

MARCH 2007 - REVISED 1 JULY 2008 and 1 MARCH 2009

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editorial policies

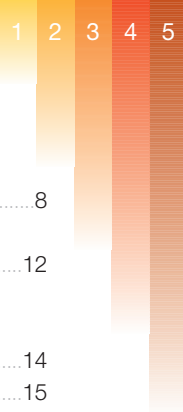


ABC
Australian
Broadcasting
Corporation

editorial policies

Quick navigation tips

- Click section headings or sub-headings in contents to go straight there
- Click “back to contents” button to go to contents
- > forward one page
- < back one page
- ESC button on keyboard to escape the PDF file.



contents

- 1. Introduction8
- 2. Key values12
- 3. ABC functions and duties
 - 3.1 The ABC Act and Charter14
 - 3.2 Interpreting the Charter15
 - 3.3 The ABC and the arts16
 - 3.4 Programs of an educational nature16
 - 3.5 Independence and accountability17
- 4. Editorial responsibility
 - 4.1 Editorial responsibility and ‘upward referral’20
 - 4.2 Legal responsibility21
 - 4.3 Correction of errors23
 - 4.4 Conflict of interest23
 - 4.5 Further use of ABC content26
 - 4.6 Workplace ethics28
 - 4.7 Dealing with sources28
- 5. News and current affairs content
 - 5.1 Introduction32
 - 5.2 The principles of editorial practice for news and current affairs content32
 - 5.3 Interviews33
 - 5.4 Payment for interviews35
 - 5.5 Chequebook journalism35
 - 5.6 Use of secondary sources35
 - 5.7 Use of specialist commentators36
 - 5.8 File footage, images or audio36
 - 5.9 Use of extracts from Parliamentary broadcasts37
 - 5.10 Hidden cameras37
 - 5.11 Re-enactments37
 - 5.12 Violence38
 - 5.13 News updates, news promotions and news flashes38
 - 5.14 Suicide38
 - 5.15 Reporting from overseas39
 - 5.16 Reporting from military actions39
 - 5.17 Labelling of groups and individuals40
 - 5.18 Presenters appearing in fictional content40
 - 5.19 Other relevant sections of the Editorial Policies40



contents

6. Opinion content	42
7. Topical and factual content	46
8. Performance content	50
9. User-generated content	
9.1 Introduction	52
9.2 Values	53
9.3 Principles	53
9.4 Standards	53
10. International broadcasting	
10.1 Introduction	60
10.2 Cultural perspectives in international broadcasting	60
10.3 ABC Online internationally	61
10.4 Australia Network	61
11. Content standards	
11.1 Introduction	64
11.2 Warnings	64
11.3 Television program classification	64
11.4 Violence	65
11.5 Use of language	66
11.6 Sex and sexuality	67
11.7 Cultural diversity	67
11.8 Discrimination and stereotypes	68
11.9 Privacy	69
11.10 Intrusion into grief	69
11.11 Indigenous Australian content	70
11.12 Religious content	71
11.13 Content for children	71
11.14 Use of children in ABC content	72
11.15 Accessibility	72
11.16 Supplied content	73
11.17 Right of reply	73



contents

12. Political and election broadcasts

12.1 The ABC and political broadcasts	76
12.2 Election broadcasts and election coverage	77
12.3 Content of election broadcasts	77
12.4 Addresses to the nation by the Prime Minister	78

13. Program and content complaints

13.1 Introduction	80
13.2 Legislative responsibilities	80
13.3 General principles for dealing with complaints	81
13.4 Telephone complaints	82
13.5 Written complaints (including email) alleging breaches of ABC Editorial Policies or Code of Practice	82
13.6 Other written complaints (including email)	84
13.7 The ABC and the Independent Complaints Review Panel (ICRP)	84
13.8 The ABC and the Australian Communications and Media Authority (ACMA)	88
13.9 Reporting complaint outcomes	89
13.10 Termination of correspondence	89
13.11 External access to contentious program material	90

14. Community service announcements and fundraising appeals

14.1 Community service announcements	92
14.2 [14.2 deleted 1 March 2009]	93
14.3 Participation in fundraising and charity appeals and activities	93

15 Non-commercial content and external funding

15.1 Prohibition of advertising	96
15.2 Non-commercial content	96
15.3 External funding	97
15.4 Announcements about ABC activities	100



contents

16. Involvement with commercial organisations, products and services

16.1 Principles	104
16.2 General references to commercial organisations and products	104
16.3 Signage	104
16.4 Program credits	105
16.5 Named activities, events, performances and locations	106
16.6 Coverage of prizes, trophies and awards	106
16.7 Free or discounted products, services and facilities	107
16.8 Prizes, giveaways and competitions	109
16.9 Endorsement by ABC presenters	110
16.10 Media training	110
16.11 Non-broadcast activities	110
16.12 Tobacco sponsors	111
16.13 Sponsorship guidelines	111

17. Use of ABC name, logo and other registered trademarks

17.1 ABC use of the ABC name, logo and other registered trademarks	114
17.2 Third party use of the ABC logo and other registered trademarks	114
17.3 Use of the ABC name, logo and other registered trademarks in conjunction with commercial products, names and logos	115
17.4 Registered trademarks	115

18. Linking

Appendices

1. Relevant sections of the <i>Australian Broadcasting Corporation Act 1983</i>	122
2. Relevant sections of the <i>Broadcasting Services Act 1992</i>	133
3. ABC Code of Practice 2007	136
4. ABC Enterprises Product Charter	148
5. Australia Network Advertising and Sponsorship Guidelines	150
6. ABC Workplace Values and Code of Conduct	152
7. Updates	156

Glossary	157
----------------	-----

Index	161
-------------	-----

Further information and advice	167
--------------------------------------	-----



preamble

The ABC Board has endorsed these policies following extensive discussion with ABC staff about their meaning and application. Throughout this process, the Board has emphasised the requirement for the Corporation to demonstrate its impartiality in news and information content.

It is important that this concept is readily understood by all ABC staff.

The Board requires the ABC to demonstrate impartiality in two ways:

- As a creator, broadcaster and publisher of news and current affairs content, the Board requires impartiality at the content or program level. This means that each program or item of news and current affairs content must be impartial in accordance with the requirements set out in Section 5; and
- As a creator, broadcaster and publisher of opinion and topical and factual content, the Board requires impartiality at the platform level (i.e. the individual television or radio network, or on ABC Online). This means that while individual items of content can take a particular perspective on an issue, the ABC must be able to demonstrate at the platform level that it has provided its audiences with a range of different perspectives on the subject under consideration. Individual items of opinion and topical and factual content must themselves meet the requirements set out in Sections 6 and 7 respectively.

A genuine commitment to these editorial principles will ensure that ABC audiences can see and hear a broad range of viewpoints on matters of importance and will assist the Corporation in dealing with any criticism that it unduly favours one perspective over another. Across the range of ABC content, audiences must not be able to reasonably conclude that the ABC has taken an editorial stand on matters of contention and public debate.

The Board is clear that the requirement for impartiality—whether at content level or platform level—does not oblige the ABC to be resolutely neutral on every issue. As an Australian public broadcaster, the ABC is committed to fundamental democratic principles including the rule of law, freedom of speech and religion, parliamentary democracy and equality of opportunity.

The ABC is not—nor can it be—detached from these fundamental democratic principles in its broadcasting or publishing role. It is through the prism of these values that the ABC regards the world.

The Board's endorsement of five content categories for the ABC—each with its own set of editorial requirements—gives ABC content producers the freedom and encouragement to explore issues and perspectives in a number of different and creative ways, in order that the ABC can properly fulfil its role of supporting active and informed citizenship. Adherence to these editorial requirements will serve to differentiate the ABC from other content providers, and build trust and loyalty among our valued audiences.

Mark Scott

Managing Director

note from the Director Editorial Policies

This note is squeezed between the Preamble and the Introduction because my role started (8 January 2007) just as this booklet was being readied for distribution. It seemed a mistake for the first Director Editorial Policies not to say something, however brief and hurried, in the paper copies of the 2007 Editorial Policies that are intended to reach all staff.

Of course, the policies and, gradually, various materials to enhance their effectiveness, will be made available online, where information resources can be assembled and enriched with an efficiency that paper, ink and cost never allow. This is the Digital Age, an era in which technologies are transforming publishing and broadcasting. Rapid change can unsettle, but the process of reviewing and updating policies, as the ABC has just done, can help us focus on constants. Some things never change, or change ever so slightly and mostly in the way they are expressed rather than their aim.

The 2007 Editorial Policies contain some changes, but tracing the similarities with earlier revisions – 2002, 1998, 1995, 1993, 1991 and 1989 – shows the constancy of the ABC's aims. Going back further, you can see in an equivalent ABC document from 1949 the same basic notions that continue to guide the ABC in today's tumultuous media environment –

The ABC service exists to serve no party, no section of the people. Its aim is to provide news and information *of all* the people, *for all* the people. Primarily, its aim is to serve, to provide the information that the people should have if they are to play their parts as intelligent citizens in the worthwhile life of the community.

Yes, the expression seems musty, even quaint, and bits resemble Lincoln's Gettysburg Address (no bad thing). But despite all that, you can detect links across the years with elements of the 2007 policies, especially with the newly stated commitment in the Preamble to 'fundamental democratic principles'. Policies from 1980 offer another example of constancy amidst change –

Impartiality should characterise the ABC's presentation of views and arguments. This does not mean that there is no room for the expression of strong opinions. Controversy and debate are essential democratic freedoms. The duty of ABC staff is to ensure that all reasonable points of view are represented. The individual broadcaster should be impartial, and not to be seen to favour any one of the views that might be presented...

...There should be no confusion in the audience's mind about what is being offered: the reporting of factual news on the one hand and the presentation of opinion on the other.

Consider the echo of this in the 2007 policies, for instance, clauses 5.2.2, 6.6.1, 6.6.3 and 7.4.1.

My role will evolve over time. For now, just three statements –

- I believe in the ABC's contribution to the health of Australian culture, civil society and democracy, these past 75 years and into the future.
- I believe the ABC's contribution depends for its legitimacy on the ABC being accountable. This is true for all media, but especially so for the publicly funded.
- In working to make accountability effective and standards high, I commit myself and my staff to the four values that since 2002 have bound everyone else under the Editorial Policies: honesty, fairness, independence and respect.

Applying policies well in any field, but particularly in media, requires discussion, reflection, interpretation, decision and explanation. I am new to the ABC, but not to journalism, nor to this sort of work. I look forward to engaging with ABC personnel in the complex and worthwhile work of having the policies work well. When they do, everyone benefits.

Paul Chadwick

Director Editorial Policies

1 Introduction

- 1.1** This book sets out the editorial policies of the Board of the Australian Broadcasting Corporation in accordance with the requirements of the *Australian Broadcasting Corporation Act 1983* (ABC Act) and other relevant legislation.
- 1.2** The editorial independence and integrity of the ABC underpins the Corporation's role as Australia's national public broadcaster. These attributes must be protected. Therefore, a thorough understanding of these policies is mandatory for all staff who have responsibility for ABC content, publications, services, announcements, products or activities or who have a role in ABC complaints handling.
- 1.3** The policies explain to staff and the community, the editorial and ethical principles fundamental to the ABC. The intention is to offer advice and a frame of reference to help staff make judgements, acknowledging that issues and details may differ from case to case.
- 1.4** Paragraph numbering is for easy reference but each paragraph should be read in the context of the whole section and any cross references should be noted.
- 1.5** Staff can be confident that if they work within these policies the ABC can explain why, from time to time, it challenges or disturbs its audiences.
- 1.6** This revised edition of the Editorial Policies distinguishes between five main types of content the ABC makes available:
- news and current affairs
 - topical and factual
 - opinion
 - performance
 - user-generated content (UGC).
- 1.7** It provides editorial principles for each type of content. It is important that staff understand the minimum requirements to be achieved for each content type. Meeting these minimum requirements is mandatory for all staff involved in the production of content.
- 1.8** A single program may cover more than one type of content.

1.9 While the Editorial Policies are the main reference for staff making decisions about ABC content, they should be read in conjunction with a number of other publications. These are:

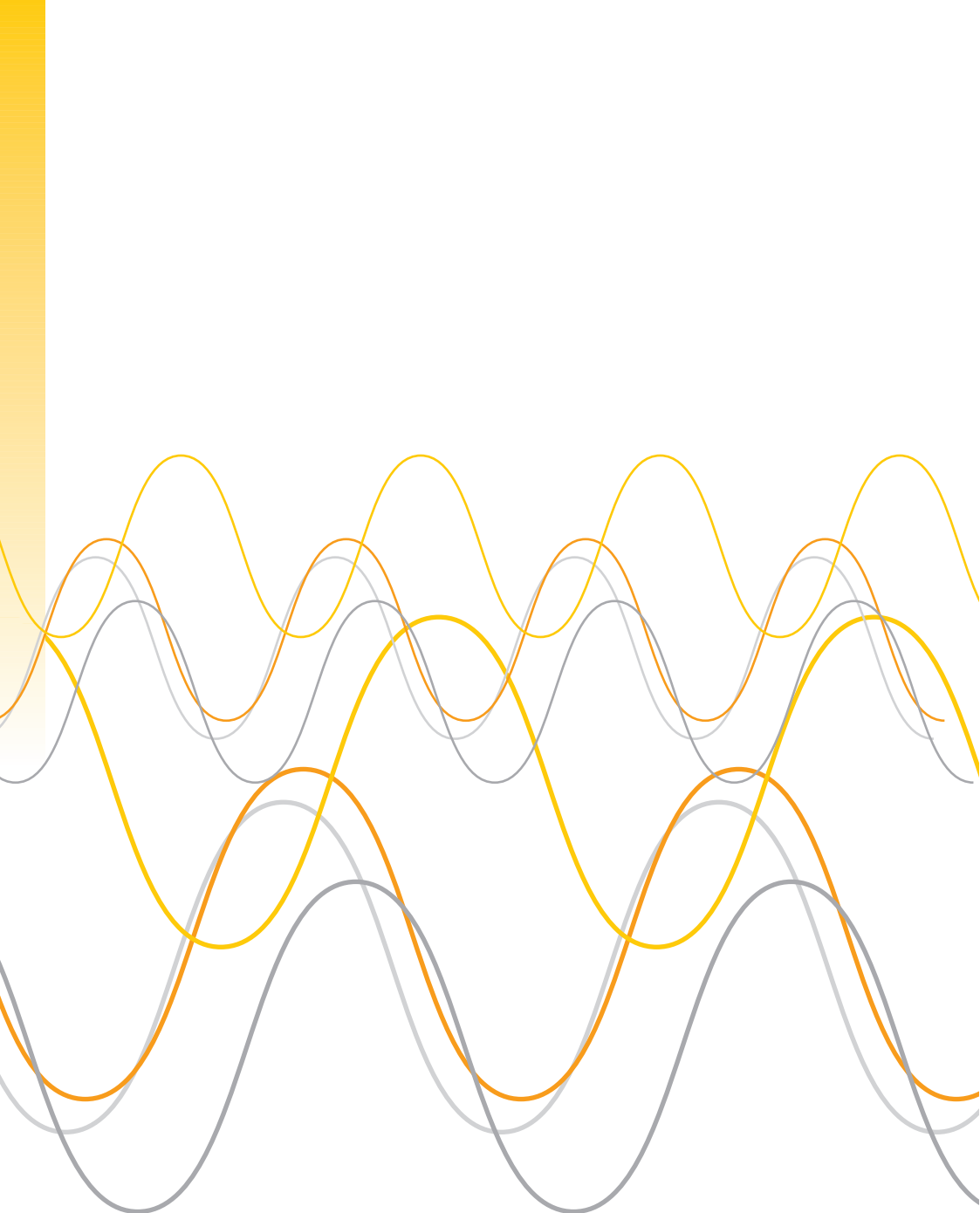
1.9.1 ABC Code of Practice: The ABC Board is required, under the *Broadcasting Services Act 1992*, to develop a Code of Practice relating to programming matters and to notify this to the Australian Communications and Media Authority (ACMA). The Code summarises the main principles of the ABC's Editorial Policies and applies to content broadcast on ABC Radio and Television and published on ABC Online and through emerging new media services.

A person may complain to ACMA on the grounds that the ABC has acted contrary to its Code of Practice. (See Appendix 3 for the Code of Practice and Section 13, Program and content complaints for details.)

1.9.2 Style Guides: Various divisions have published style guides to further assist staff in the preparation of content. No guide can cover all situations. Staff are expected to use common sense in using these style guides and, where necessary, refer upwards.

1.9.3 SCOSE: The ABC's Standing Committee on Spoken English provides guidance on pronunciation and usage.

1.9.4 ABC Workplace Values and Code of Conduct: The Code sets out the obligations and responsibilities of the ABC and its staff. It provides guidelines on the minimum standards of behaviour expected of staff on a day-to-day basis. The Code is referred to throughout the Editorial Policies. A copy of the Code is in Appendix 6.



2 key values



editorial
policies

back <

back to
contents

> fwd

2 Key values

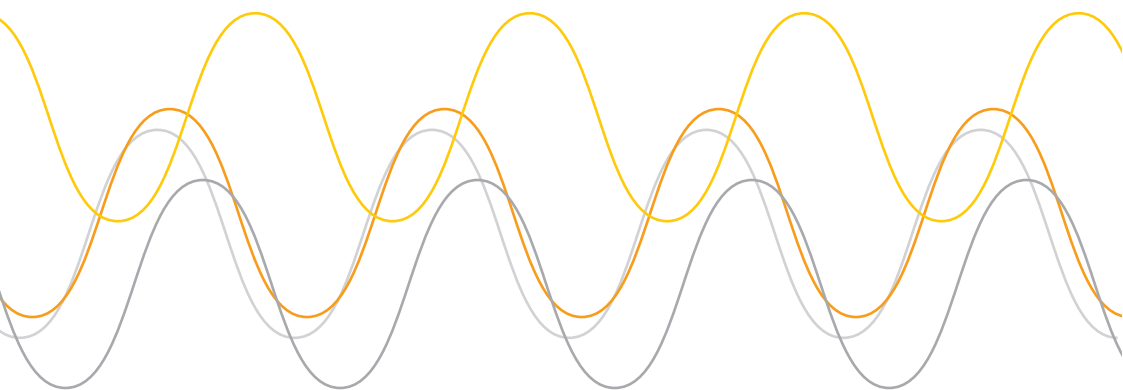
2.1 The ABC requires that all staff approach ABC activities with care and integrity and in accordance with the following key values:

Honesty

Fairness

Independence

Respect.



3 ABC functions and duties

3. ABC functions and duties

- 3.1 The ABC Act and Charter
- 3.2 Interpreting the Charter
- 3.3 The ABC and the arts
- 3.4 Programs of an educational nature
- 3.5 Independence and accountability



editorial
policies

[back](#) <

> [back to
contents](#) fwd

3 ABC functions and duties

3.1 The ABC Act and Charter

3.1.1 The ABC is an independent national broadcaster operating under its own Act of Parliament (ABC Act). The Corporation was established to provide Australians with innovative and comprehensive broadcasting services of a high standard.

3.1.2 The ABC is a vital part of the mix of Australian media and has special functions and duties set out in the Charter of the Corporation (Section 6 of the ABC Act reproduced below). It contributes to and reflects Australia's national identity, fosters creativity and the arts, and encourages cultural diversity.

3.1.3 The ABC Charter

The ABC Charter—Section 6 of the ABC Act

(1) The functions of the Corporation are:

- (a) to provide within Australia innovative and comprehensive broadcasting services of a high standard as part of the Australian broadcasting system consisting of national, commercial and community sectors and, without limiting the generality of the foregoing, to provide:
 - (i) broadcasting programs that contribute to a sense of national identity and inform and entertain, and reflect the cultural diversity of, the Australian community;
 - (ii) broadcasting programs of an educational nature;
- (b) to transmit to countries outside Australia broadcasting programs of news, current affairs, entertainment and cultural enrichment that will:
 - (i) encourage awareness of Australia and an international understanding of Australian attitudes on world affairs; and
 - (ii) enable Australian citizens living or travelling outside Australia to obtain information about Australian affairs and Australian attitudes on world affairs; and
- (c) to encourage and promote the musical, dramatic and other performing arts in Australia.

(2) In the provision by the Corporation of its broadcasting services within Australia:

- (a) the Corporation shall take account of:
 - (i) the broadcasting services provided by the commercial and community sectors of the Australian broadcasting system;
 - (ii) the standards from time to time determined by the Australian Communications and Media Authority (ACMA) in respect of broadcasting services;

- (iii) the responsibility of the Corporation as the provider of an independent national broadcasting service to provide a balance between broadcasting programs of wide appeal and specialised broadcasting programs;
 - (iv) the multicultural character of the Australian community; and
 - (v) in connection with the provision of broadcasting programs of an educational nature—the responsibilities of the States in relation to education; and
- (b) the Corporation shall take all such measures, being measures consistent with the obligations of the Corporation under paragraph (a), as, in the opinion of the Board, will be conducive to the full development by the Corporation of suitable broadcasting programs.
- (3) The functions of the Corporation under subsection (1) and the duties imposed on the Corporation under subsection (2) constitute the Charter of the Corporation.
- (4) Nothing in this Section shall be taken to impose on the Corporation a duty that is enforceable by proceedings in a court.

3.2 Interpreting the Charter

3.2.1

The Charter identifies some specific requirements of the ABC's broadcasting services:

- (a) **Innovation:** Innovation involves a willingness to take risks, to be inventive and open to fresh ideas both inside and outside the ABC. Experimenting with new ideas also means accepting that some content may not succeed. By pushing the boundaries, the ABC stimulates and develops creative new content genres and styles. This may result in content which challenges some community sensibilities but also contributes to the diversity of content in the media.
- (b) **Comprehensiveness:** Comprehensiveness requires the ABC to be both a mainstream and specialist broadcaster and the Charter requires a balance between programs of wide appeal and specialised programs. As a publicly funded broadcaster, the ABC can and must provide diverse content, offering Australia's many different demographic groups and communities of interest a variety of content through a mix of ideas, genres and styles.
- (c) **High standards:** Perceptions of quality differ, and the factors constituting quality can vary for different genres and content forms. The ABC endeavours to provide the best possible content it can, whatever the genre, across all its services.
- (d) **National identity and cultural diversity:** The ABC provides content that gives expression to Australia's social, cultural and regional diversity. It explores and shares experiences of being Australian, supports and promotes the vitality of Australian culture and expression, and provides forums for debate on issues of significance to Australians.

- (e) **Inform and entertain:** It is the ABC's role to engage and inform, to amuse and entertain, to analyse, debate and challenge the Australian community.
- (f) **Encourage and promote the arts and broadcast programs of an educational nature:** These functions are addressed in 3.3 and 3.4.
- (g) **Independence:** The Charter function of providing an independent national broadcasting service and other statutory requirements for independence are addressed in 3.5.

3.2.2 The ABC must meet other requirements set out in the ABC Act 1983, (see Appendix 1) including:

- the broadcast of news and information relating to current events
- the broadcast of Parliament
- the broadcast, under ministerial direction, of particular matters which the Minister considers would be in the national interest.

3.3 The ABC and the arts

3.3.1 The Charter requires the Corporation to encourage and promote the musical, dramatic and other performing arts in Australia. The ABC Board is strongly committed to fostering the arts through ABC Radio, Television, Online and new media services as well as through the activities of ABC Enterprises.

3.3.2 The ABC is itself an integral part of Australia's artistic and cultural life. ABC content in itself is a creative activity, and the production of content directly affects employment in a wide range of arts.

3.3.3 Experimental content on radio, television, online and other new media is one means of providing innovative services to meet requirements of the Charter.

3.4 Programs of an educational nature

3.4.1 The Charter requires the ABC to broadcast programs of an educational nature and to take into account the responsibilities of the States in relation to education. In meeting this function, the ABC defines education broadly, going beyond curriculum-linked material. It includes the breadth of performance, reportage, debate and analysis presented across the Corporation's services.

3.4.2 The ABC provides specialised content in a range of formats designed to support education activities and which often engage wider audiences including:

- (a) the production and acquisition of content designed specifically to support structured learning activities
- (b) joint activities with education providers
- (c) the sale of educational content, including audio and video material, education programs and learning-related resources and course materials.

3.5 Independence and accountability

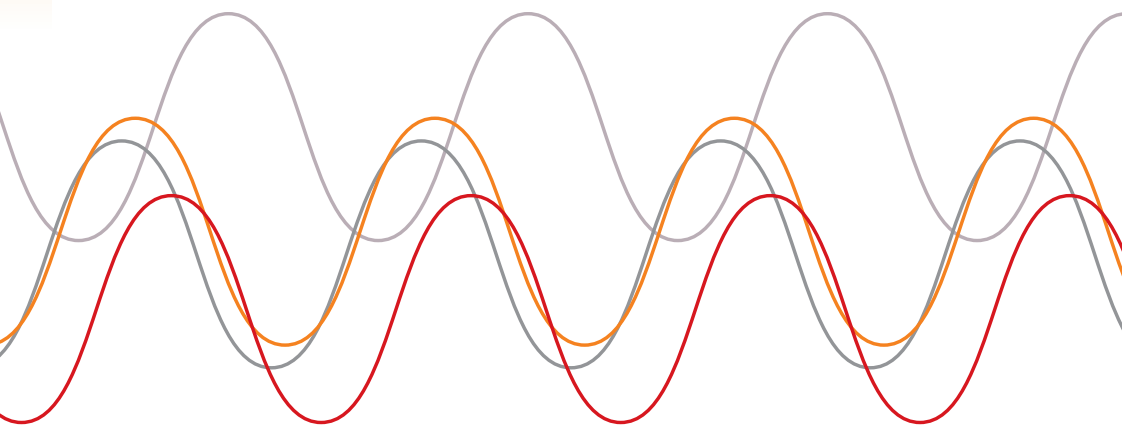
- 3.5.1** The ABC Act guarantees the independence of the Corporation. The ABC holds its power to make decisions on its content and services on behalf of the people of Australia. By law and convention neither the Government nor Parliament seeks to intervene in those decisions. The ABC is also independent of any private interest and control. The ABC exercises complete editorial control over all its content decisions.
- 3.5.2** To reinforce the ABC's independence, the ABC Act states: except as provided by this Section [relating to the Minister's power to direct the broadcast of matter in the national interest], or as expressly provided by a provision of another Act, the Corporation is not subject to direction by or on behalf of the Government of the Commonwealth (Section 78(6) of the ABC Act).
- 3.5.3** Section 78(5) provides: where the Minister gives a direction to the ABC under this Section, the Minister shall cause a statement setting out particulars of, and the reasons for, the direction to be laid before each House of the Parliament within seven sitting days of that House after the direction was given.
- 3.5.4** The Board of the ABC is charged [at Section 8(1)(b)] with the duty 'to maintain the independence and integrity of the Corporation'. The ABC is also required (at Section 27) to develop and maintain an independent service for the broadcasting of news and information relating to current events within and outside Australia.
- 3.5.5** Sections 8, 27 and 78 of the ABC Act appear at Appendix 1.
- 3.5.6** The ABC is accountable to Parliament and to the Australian people. The ABC recognises that its independence carries with it a high degree of responsibility. In addition to maintaining the independence and integrity of the Corporation it is the duty of the ABC Board to:
- (a) ensure that the functions of the ABC are performed efficiently and with maximum benefit to the people of Australia
 - (b) ensure that the gathering and presentation of news and information is accurate and impartial according to the recognised standards of objective journalism
 - (c) develop codes of practice relating to programming matters and datacasting (if it provides any datacasting service) and notify those to the Australian Communications and Media Authority (ACMA). (See Appendix 3.)
 - (d) consider any statement of policy of the Commonwealth Government on any matter relating to broadcasting, or any matter of administration, that is

- relevant to the performance of the ABC's functions and which is furnished to the Board by the Minister with a request that the Board consider that policy
- (e) establish the ABC Advisory Council and consider any advice from such Advisory Council on matters relating to broadcasting programs
 - (f) prepare annual reports and corporate plans
 - (g) prepare budget estimates.

3.5.7

In addition the Corporation does the following:

- (a) complies with other legislative requirements
- (b) appears before Parliamentary Committees
- (c) responds to individual representations and enquiries from Parliamentarians including questions on notice
- (d) maintains a rigorous complaints procedure (see Section 13) including independent review of complaints alleging serious cases of factual inaccuracy, bias, lack of balance or unfair treatment
- (e) responds to queries from the public.



4 editorial responsibility

4. Editorial responsibility

- 4.1 Editorial responsibility and 'upward referral'
- 4.2 Legal responsibility
- 4.3 Correction of errors
- 4.4 Conflict of interest
- 4.5 Further use of ABC content
- 4.6 Workplace ethics
- 4.7 Dealing with sources



4 Editorial responsibility

4.1 Editorial responsibility and 'upward referral'

4.1.1 The ABC's output through its radio, television and online networks and other outlets is vast. It is the responsibility of staff to ensure that the provisions of the ABC Act, the ABC Code of Practice, laws relating to broadcasting and the philosophies and policies of the Corporation are observed.

4.1.2 Subject to normal editorial management and controls, staff are responsible both for making the content and for exercising editorial judgement. If a problem arises, or there is any doubt, staff must consult the next higher level of editorial management for guidance. This process, known as 'upward referral', can extend, through the relevant director, to as far as the Managing Director as Editor-in-Chief. If staff do not refer the issue upward, he or she will be responsible for the editorial decision made.

4.1.3 Any matter with legal implications must be referred to ABC Legal Services for advice.

4.1.4 If content is controversial or likely to have an extraordinary impact, the most appropriate senior manager should be notified in advance, even where specific editorial guidance is not being sought. More senior staff may be notified if appropriate.

4.1.5 In commissioning content, the extent of delegation of editorial control will be agreed and the ABC will nominate a person to have editorial responsibility on behalf of the ABC to ensure that it is completed as commissioned. The nominated person may be:

- (a) the relevant departmental head or executive producer in ABC Television
- (b) the Director of News and Current Affairs or the delegated editorial manager
- (c) the relevant Radio Program Manager, Radio Editor or Manager Local Radio in Radio
- (d) the Head of Content Commissioning and Editorial, New Media and Digital Services, Editorial Manager or the relevant editor in New Media and Digital Services.

4.1.6 **ABC Online:** All content published by ABC Online or associated Internet services is subject to editorial lines of responsibility. These are:

- (a) for web sites directly connected to a particular program or network, the editorial line of responsibility is the same as for the other output of the program area or network

- (b) for ABC Online national news and current affairs, the editorial line of responsibility is to the Head of National Programs in the News and Current Affairs Division via the New Media Executive Producer
- (c) for ABC Online Local and State news and current affairs, the editorial line of responsibility is to the Head of Network and State Coverage in the News and Current Affairs Division via the New Media Executive Producer
- (d) for web sites produced by non-program areas of the ABC, editorial lines of responsibility are through the existing management structure.

- 4.1.7** Editorial decisions in the above cases may require consultation with New Media and Digital Services.
- 4.1.8** For other web sites directly managed by or connected to New Media and Digital Services, the editorial line of responsibility is through to the Head of Content Commissioning and Editorial, New Media and Digital Services and specialist content areas in radio and television will be consulted where appropriate.
- 4.1.9** In addition to the direct editorial lines of responsibility, New Media and Digital Services has responsibility for the presentation and production standards on ABC Online.
- 4.1.10** The degree of the nominated person's involvement can vary according to the style and complexity of the production, and the background and experience of the producer. The ABC's approval rights, as carried out by the nominated person, will be incorporated into the commissioning agreement.
- 4.1.11** In acquiring material (either completed content or content to be repurposed), the ABC will nominate a person to have editorial responsibility on behalf of the Corporation to ensure the content conforms to the Editorial Policies.

4.2 Legal responsibility

- 4.2.1** The media do not have an unrestricted right to say what they like. Laws relating to copyright, defamation, contempt of court, contempt of Parliament, suppression of publications, tape recording conversations, use of cameras to record or observe private activities, trespass, nuisance, privacy, contract, negligence and racial vilification all apply to the ABC. Particular activities might be governed by state or federal law specific to the circumstances. Staff are required to have a good working knowledge of how the law does or might apply to their work. ABC Legal Services is available to provide training about legal issues and divisions should make arrangements with Legal Services about the delivery of that training.

- 4.2.2** The law is often difficult to interpret and, with different State or Territory laws often applying to the same content, decisions become even more complex. Staff have direct access to ABC Legal Services so that legal risk can be minimised. The costs of legal action and awards of damages can be very high.
- 4.2.3** Staff are required to refer all content matters with legal implications to ABC Legal Services for advice. Legal Services is able to brief external legal Counsel as required. It is important to identify potential legal issues early and to involve Legal Services sooner rather than later. Staff must ensure that Legal Services has, wherever possible, appropriate time to consider the legal implications of the broadcast or publication, the facts or opinions upon which the content is based and the risks, if any, for the ABC. Staff may contact Legal Services at any time of the day or night.
- 4.2.4** After considering the advice of ABC Legal Services, the final decision on whether to broadcast or publish, or in what form, rests with editorial staff. On the rare occasion when staff consider acting contrary to the advice of Legal Services, staff involved and Legal Services must upwardly refer the matter to the relevant Executive Directors.
- 4.2.5** All threats of legal action, whether made orally, electronically or in writing must be referred to the Head of Legal Services. Any threat of significant legal action must be referred by the Head of Legal Services to the Managing Director, Director of Corporate Strategy and Communications and the relevant director(s).
- 4.2.6** Plagiarism (the use of another person's ideas, words, work etc as one's own) is not tolerated by the ABC. *The Copyright Act 1968* protects original ideas and expressions in a material form such as writing. However, a claim of plagiarism can be made in relation to ideas which are not in a material form.
- 4.2.7** Attributing the source of ideas may overcome claims of plagiarism but will not necessarily satisfy the requirements of the Copyright Act. Except in special circumstances, the use of copyright material is prohibited without the permission of the copyright owner. Fair dealing provisions allow material to be used without permission, for criticism, review and reporting of news, but in the case of criticism and review a 'sufficient acknowledgement' must be made.
- 4.2.8** There are three legal booklets to guide staff:
- (a) *ABC All-Media Law Handbook* (Fourth Edition), ABC Legal Department:
http://win.abc.net.au/ff_and_ss/legal_services/lawbook/lawbook_default.htm
 - (b) *ABC Copyright Handbook*, Grant Webeck and Lynett Houssarini:
http://win.abc.net.au/ff_and_ss/legal_services/copyright_default.htm

- (c) *All Media Court Reporting Handbook*, Phil Kafcaloudes:
http://win.abc.net.au/ff_and_ss/legal_services/court/court_default.htm

4.2.9 All program departments have copies of the first two booklets and additional copies can be obtained from ABC Legal Services. The *All Media Court Reporting Handbook* is available for sale from ABC Enterprises.

4.3 Correction of errors

4.3.1 The ABC seeks to avoid errors. However, the ABC will not hesitate to admit and correct a significant error when it is established that one has been made. When a correction is necessary, it will be made in an appropriate manner as soon as reasonably practicable.

4.3.2 **Online corrections:** The ABC acknowledges that the archival nature of the online medium raises a number of specific issues in terms of the need to provide editorial correction or clarifications. The ABC publishes its online stories in good faith and believes them to be a true and accurate report of events at the time of publication.

4.3.3 However, the ABC also accepts that from time to time new information is made available which may have an impact on the accuracy of the original content. This may require the inclusion of additional information or a correction. On some occasions the removal of a report from ABC Online may be the appropriate course of action.

4.3.4 The ABC will correct online reports where the relevant editorial manager decides there is a need to present additional information which may not have been available at the time of publication or which may have been overlooked.

4.3.5 The addition of significant new information will be acknowledged in an editor's note attached to the content. The note will record the nature of the changes and the date they were made.

4.4 Conflict of interest

4.4.1 There should be no conflict between the private interests of ABC staff and their official duties. The outside activities of staff, including financial, personal and political relationships, must not compromise the editorial integrity of ABC programs. Staff are expected to arrange their affairs in a manner that will prevent conflict of interest.

4.4.2 All staff should be familiar with the *ABC Workplace Values and Code of Conduct* (Appendix 6). If in doubt, seek advice from supervisors.

- 4.4.3** There are three areas to consider: potential, actual and perceived conflict of interest:
- (a) **Potential conflict of interest** is, for example, where an employee has an interest in or association with an organisation (eg. being a director or substantial shareholder) or individual that could become a conflict of interest.
 - (b) **Actual conflict of interest** is, for example, where a staff member has an interest in or association with an organisation or individual to the point where their judgement may be affected; and they are asked to (or are in a position to) enter into negotiations with, or to interview, that individual or someone from that organisation.
 - (c) **A perceived conflict of interest** should not be confused with potential or actual conflict of interest, but it may need investigating to see if there is a potential or actual conflict behind the perception.

4.4.4 **Declarations:** To prevent conflict of interest, supervisors must be told about any associations or interests which an individual has that may conflict with editorial responsibilities. Individuals have a duty to declare an actual or potential conflict of interest at the earliest opportunity. They also must declare in advance any proposed activity that might conflict with editorial responsibilities.

- 4.4.5** Declarations of actual or potential conflicts of interest should be made to:
- (a) in **Television**, the Head of Policy and Administration and subsequently Director of Television
 - (b) in **Radio**, the relevant head and subsequently Director of Radio
 - (c) in **New Media and Digital Services**, the Head of Content Commissioning and Editorial, New Media and Digital Services and subsequently Director of New Media and Digital Services
 - (d) in **Production Resources**, the relevant Executive Producer
 - (e) in **News and Current Affairs**, in the first instance the immediate editorial supervisor (that is, Executive Producers, State Editors, Network Editors, bulletin producers and Heads of National Programs and Network and State Coverage) and subsequently the Director of News and Current Affairs. In the case of proposed outside work, the relevant delegate is the Director of News and Current Affairs
 - (f) in **Enterprises**, in the first instance the relevant General Manager and subsequently the Director of Enterprises
 - (g) in **all other divisions**, the relevant director.

- 4.4.6** **Action in response to declarations:** Following declaration, the responsible managers listed above will decide the appropriate course of action. For instance, it may be decided:
- (a) to approve or reject a proposed activity, for example, outside work

- (b) that the individual should not work on particular stories or programs related to the outside activity, association or interest
- (c) that a public disclosure of the outside activity, association or interest should be broadcast or published online. If a disclosure is broadcast or published, care must be taken to ensure it could not be construed as endorsing or promoting an entity with whom the individual has declared an association or interest
- (d) that no further action is required.

- 4.4.7** In deciding the appropriate course of action, consideration should be given to:
- (a) whether the activity, association or interest would damage the editorial integrity of the program and ABC
 - (b) whether the activity, association or interest would damage the ability of the individual to do his or her job
 - (c) the editorial nature of the program
 - (d) the nature of the outside activity, association or interest
 - (e) any damage that could be done to the audience's perception of the editorial integrity of the program if the outside activity, association or interest were discovered.
- 4.4.8** A record of the request and decision should be kept by the person who makes the decision and a copy kept by the relevant director and Managing Director.
- 4.4.9** These decisions are subject to the principles of upward referral outlined in 4.1.
- 4.4.10** The ABC's *Workplace Values and Code of Conduct* is available at Appendix 6 and on the ABC intranet at http://win.abc.net.au/ff_and_ss/legal/info/ABCWorkplaceValuesCodeofConduct.doc. It contains policies on acceptance of gifts, fees, benefits and promotional material, engagement in work outside the ABC and conflict of interest.
- 4.4.11** **Gifts:** The practice of accepting gifts and advantages via work related activity can create both actual and perceived conflicts of interest, and may harm the ABC's credibility. Although some gifts are relatively trivial, such as a token mug or souvenir calendar, others may have substantial value. (For further details, see Section 7 of the *ABC Workplace Values and Code of Conduct*—Appendix 6.
- 4.4.12** The acceptance of gifts of any substance should be referred upward for a decision. Each division has established a Gift Register which keeps all details of gifts offered, accepted or rejected.

4.4.13 Participant in newsworthy event: This section relates to the type of conflict of interest that arises when a staff member's participation – by action or inaction, alone or in combination with other participants in the events – is integral to what makes a matter newsworthy.

4.4.14 Circumstances will vary from case to case, but the needs of audiences and the independence and integrity of the ABC are prime considerations in every case.

4.4.15 In assessing whether a staff member should cover, or continue to cover, a story in which he or she is or is likely to become a participant, the staff member and supervisors should consider factors including –

- (a) the extent to which the essential elements of the story relate to the staff member's own actions or inaction;
- (b) the nature of the personal interests involved;
- (c) the relationship between those personal interests and the organisation, individuals, issues and events required to be covered by the ABC, in particular the extent to which the staff member's personal honor or reputation has or is likely to be pitted against the honor or reputation of other participants;
- (d) whether disclosure of the personal interests would be sufficient in all the circumstances of the case;
- (e) whether, if the staff member were to cover the story, audience members with knowledge of the facts giving rise to the conflict could reasonably doubt the fairness and accuracy of the story;
- (f) whether, if the staff member stands aside, audience members will lose any element of substance from the ABC's coverage which could not be provided through other means (for example, by having another journalist interview the staff member-participant in the same way as any other participant).

4.5 Further use of ABC content

4.5.1 By the ABC: Copyright in content produced by the ABC is the property of the Corporation. Subject to clearance, this material may be used in other ABC content (radio, television, online or new media) or for ancillary purposes, such as video and audio tape release, print and online publication. The editorial integrity of the content must be protected in any such use.

4.5.2 When preparing content, appropriate consideration should be given to potential alternative use. This may involve issues such as the adaptability of the content and clearing rights for other ABC delivery platforms.

- 4.5.3** Except in special circumstances, content generated through audience contributions to ABC Online will be excluded from content licensing agreements. Any exceptions would require prior clearance from the audience member and editorial management.
- 4.5.4** **Licensing and supply to external parties:** ABC content (complete programs, segments, footage, stills, audio and text) is a valuable historical, cultural and commercial asset. Any use of ABC content by external parties must be authorised and appropriately licensed by ABC Enterprises. When licensing content, the ABC will ensure that the editorial integrity of the material is protected through adherence to the Editorial Policies and compliance with licensing terms and conditions.
- 4.5.5** Except where properly authorised, individual ABC staff do not have the right to give away, license or otherwise supply any ABC content. This does not prevent staff from providing a copy of ABC content that has been or will be broadcast or published to a person(s) who has appeared in the content for non-commercial personal use, subject to copyright and other legal restrictions. Neither does it prevent staff from providing a copy of material already broadcast or published to someone making a complaint about that content.
- 4.5.6** Enterprises must be consulted before releasing any non-contentious content. The ABC's Rights Management unit can provide assistance, advice and guidance in relation to re-use of ABC content.
- 4.5.7** **Contentious content:** See 13.11 in Program and content complaints regarding the supply of copies of contentious content.
- 4.5.8** **Use of content for advertising or promotional purposes:** Extra care must be taken in deciding whether to release content to a third party for advertising or promotional purposes. Content will only be released if its use does not imply ABC endorsement of a product or particular viewpoint.
- 4.5.9** If the content contains vision and/or sound of an identifiable person and the material is intended for use in political party advertisements or in a way that implies the individual endorses a product or particular viewpoint, the material will only be released if the third party has obtained permission of the person concerned.
- 4.5.10** Particular care should be taken with publishing material that has been gathered for radio or television content, but not broadcast. As it may not have been subject to the same editorial processes, careful judgements may need to be made about legal, contractual and other editorial issues.

4.6 Workplace ethics

4.6.1 The ABC aims to foster ethical principles and good relations among staff and between staff and management. From time to time problems may arise from decisions made by staff or managers and the ABC recognises the importance of resolving such grievances. ABC Human Resources has developed two policies, the *Workplace Values and Code of Conduct* and a *Personal Grievance Policy*. They are available on the intranet at http://intranet.corp.abc.net.au/busservices/legal_services/legal_non_html/ABCWorkplaceValuesCodeofConduct.PDF and http://intranet.corp.abc.net.au/human_resources/complaint_grievance/personal_grievance.pdf and the *Workplace Values and Code of Conduct* is at Appendix 6.

4.7 Dealing with sources

4.7.1 **Presumption of attribution:** Aim to attribute information to its source.

4.7.2 Attribution serves audiences best by providing relevant information.

4.7.3 Attribution reduces the risk to reputation that can result from the abuse of anonymity.

4.7.4 **Negotiating exceptions to the presumption of attribution:** The public interest in the free flow of information can justify exceptions to the presumption of attribution.

4.7.5 In negotiating with sources, be clear with them about key terms including –

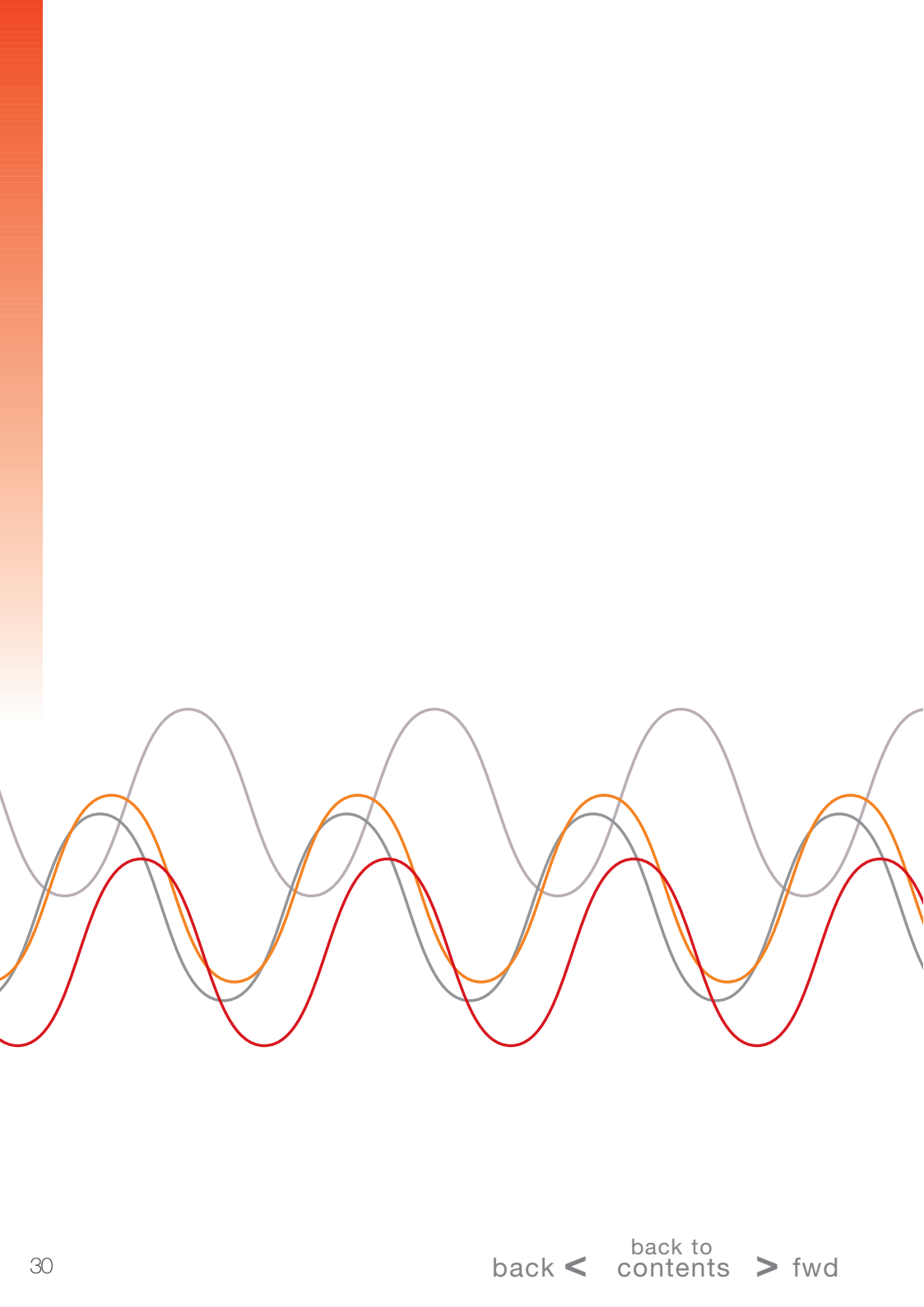
- (a) *On the record*, meaning both parties agree that the information conveyed may be disclosed and attributed to the source by name.
- (b) *On background*, meaning both parties agree that the information conveyed may be disclosed but not attributed in a way that would be likely to identify the source.
- (c) *Off the record*, meaning both parties agree that the information conveyed is not to be disclosed, with or without attribution.

4.7.6 Once you have clearly identified yourself as working for the ABC, the information a source conveys is on the record unless agreed otherwise.

4.7.7 When sources seek to convey information off the record, tell them beforehand that if the information warrants disclosure in the public interest you will try to confirm it through other sources and disclose it.

4.7.8 When sources seek to convey information on background, consider their motive and any alternative attributable source.

- 4.7.9** It is not mandatory to refer upwards before approaching sources and obtaining information from sources.
- 4.7.10** **Commitments to protect sources after disclosure of unattributed information:** It is mandatory to refer upwards (Section 4.1) before the ABC discloses information obtained from a source where –
- (a) the information forms the basis of the report;
 - (b) the information is not to be attributed; and
 - (c) the ABC is to be committed to protect the identity of the source.
- 4.7.11** Before unattributed disclosure by the ABC of information obtained from a source, the source's identity must, if sought, be made known to an appropriately senior ABC person designated for the purpose.
- 4.7.12** When committed to protect a source, take care with the precautions necessary to make the protection effective in practice.
- 4.7.13** **Resolving clashes of basic values:** In some circumstances basic values such as promise-keeping come into conflict with other basic values such as truth-telling.
- 4.7.14** Where circumstances arise in which a decision needs to be made about whether to maintain a commitment to a source –
- (a) it is mandatory to refer upwards to the Division's Director;
 - (b) consult Legal;
 - (c) consider whether a release from some or all of the commitment can be negotiated with the source in light of circumstances that have developed since the original commitment was made;
 - (d) gather and verify the facts needed to make the decision;
 - (e) identify the competing values;
 - (f) analyse the impact of the various options and how to minimise foreseeable harm.
- Having taken these steps, decide whether, in the circumstances, substantial advancement of the public interest or the risk of substantial harm to people justifies overriding promise-keeping in order to serve another basic value.
- 4.7.15** Explain the decision publicly.
- 4.7.16** **Further guidance:** In applying this section of the Editorial Policies, consult the Editorial Policies Guidance Note Dealing with sources.



5 News and current affairs content

- 5.1 Introduction
- 5.2 The principles of editorial practice for news and current affairs content
- 5.3 Interviews
- 5.4 Payment for interviews
- 5.5 Chequebook journalism
- 5.6 Use of secondary sources
- 5.7 Use of specialist commentators
- 5.8 File footage, images or audio
- 5.9 Use of extracts from Parliamentary broadcasts
- 5.10 Hidden cameras
- 5.11 Re-enactments
- 5.12 Violence
- 5.13 News updates, news promotions and news flashes
- 5.14 Suicide
- 5.15 Reporting from overseas
- 5.16 Reporting from military actions
- 5.17 Labelling of groups and individuals
- 5.18 Presenters appearing in fictional content
- 5.19 Other relevant sections of the Editorial Policies



5 News and current affairs content

5.1 Introduction

5.1.1 News and current affairs content appears on radio, television, online and emerging media services. While much of this content is produced by the News and Current Affairs Division, other divisions also provide news and current affairs content and, when they do, this section applies to that content.

5.1.2 Section 27 of the ABC Act sets out certain requirements concerning news services, including developing and maintaining an independent service for the broadcasting of news and information relating to current events within and outside Australia. (See Appendix 1.)

5.1.3 The ABC does this by working within the best practice of investigative journalism. Remaining independent of sectional interests, the ABC pursues issues of public interest through innovative and reliable journalism.

5.1.4 News records what is happening. Facts and context dominate. News will often include analysis.

5.1.5 Current affairs will generally provide greater detail than news. It features fact-based analysis and debate on subjects and issues.

5.1.6 Context, analysis and comment included in news and current affairs content should be backed by demonstrable evidence, and based on the professional expertise and judgement of staff and not on personal opinion. The public expression of personal opinions of staff has no place in news and current affairs content.

5.1.7 The ABC Board has decided that news and **daily** current affairs content produced by the News and Current Affairs Division should depend fully on public funding and not have any funding arrangements with independent producers for the production of such material (see also 15.3.6).

5.2 The principles of editorial practice for news and current affairs content

5.2.1 All news and current affairs content will be accurate, impartial and objective, and thereby avoid bias. Staff working on news and current affairs content are required to keep in mind the ABC's key values: honesty, fairness, independence and respect (see Section 2).

5.2.2 Staff must also observe the following principles:

- (a) The ABC takes no editorial stand in its programming.
- (b) Avoid conflicts of interest.
- (c) Be accurate.
 - (i) Every reasonable effort, in the circumstances, must be made to ensure that the factual content of news and current affairs is accurate and in context.
 - (ii) The ABC will not hesitate to admit and correct a significant error when it is established that one has been made. When a correction is necessary, it will be made in an appropriate manner as soon as reasonably practicable.
- (d) Be impartial. Editorial judgements are based on news values, not for example on political, commercial or sectional interests or personal views. Do not unduly favour one perspective over others.
- (e) Be balanced. Balance will be sought but may not always be achieved within a single program or publication; it will be achieved as soon as reasonably practicable and in an appropriate manner. It is not essential to give all sides equal time. As far as possible, present principal relevant views on matters of importance.
- (f) Be questioning. Serve the public interest by investigating issues affecting society and individuals.
- (g) Exercise civility unless there is compelling reason not to do so.
- (h) Exercise reasonable respect for privacy.
- (i) Deal with sources in accordance with Section 4.7.
- (j) Take responsibility for editorial decisions and refer upwards as required.

5.3 Interviews

5.3.1 Commonwealth legislation makes it illegal to record telephone conversations without the prior consent of the person(s) being recorded. State and Territory legislation prohibits using a listening device to eavesdrop on private conversations by other means. The penalties for illegal recording are severe and include substantial fines and terms of imprisonment. Anyone wishing to record a conversation must first obtain permission of all the parties **before** beginning the recording.

5.3.2 In situations such as media conferences, vox pops and other public situations, express permission is not necessary as the intention to record is obvious to all parties and permission can be taken for granted. These situations do not constitute 'private' conversations secretly recorded.

- 5.3.3** There are rare circumstances in some States or Territories when recordings of private conversations obtained without permission may be justified in the public interest. Circumstances should be checked with ABC Legal Services before proceeding.
- 5.3.4** **Offers of interviews.** Politicians, lobby groups and other organisations and individuals may contact a program area offering talent for an interview. Where it is for a story not already being covered, the interview opportunity should be judged on news values. Where the offer of interview is in response to a running story, the opportunity should be assessed against the requirements for fairness and balance. Offers of interviews should not be automatically accepted.
- 5.3.5** After a person has agreed to be interviewed, it is a matter of editorial judgment as to how, if and when the completed interview will be broadcast or published. Some interviewees ask in advance what the particular line of questioning may be. This request is not unreasonable, but it should be pointed out that only a broad outline can be given, because the interview itself will depend on what the interviewee and the interviewer say. If the interviewee insists that a detailed list of questions be given and adhered to regardless of the answers, serious consideration must be given to abandoning the interview. In this case, or when an interviewee seeks specific assurances that an interview will be carried in a particular program or at a specified length, the interviewer should refer upwards.
- 5.3.6** In some instances, a potential interviewee on a matter of public interest may insist on impractical conditions (for example, a live unedited interview in a pre-recorded program) or delay a decision until it is impractical to do an interview. ABC staff should make clear the format of the program and set a reasonable deadline for responding to the invitation to be interviewed. If no answer is received by the deadline or unachievable conditions are set by the potential interviewee, it may be appropriate to say, within the broadcast that the subject has set conditions the program could not meet.
- 5.3.7** When a prospective interviewee declines to be interviewed on a matter of public interest, where the audience might reasonably expect to hear counter arguments or allegations answered, the program should inform the audience that the person concerned 'was invited to appear on the program but declined'. A reason for the refusal should also be given whenever it is available.
- 5.3.8** Occasionally, a person who has been interviewed seeks to withdraw permission to present the interview. If the producer nonetheless believes that the interview should be presented in the public interest—a decision the producer is entitled to make—the producer should notify their supervisor. Directions from the

interviewee concerning the editing or preparation of the interview for broadcast or publication online should be rejected. While there may occasionally be exceptions in special circumstances, the ABC does not usually allow parties other than those with editorial responsibility to view or hear the content before broadcast or publication. While content is required to be impartial and fair there must not be external interference in the preparation of content.

- 5.3.9** The ABC does not agree to 'deals' with interviewees who seek to place caveats on particular subject areas. The interviewee is free to say 'no comment'.
- 5.3.10** The ABC does not offer any indemnities to the interviewee or promises of legal support or assistance if what they may say becomes the subject of legal action.
- 5.3.11** If legal action is commenced against the ABC and an interviewee, the ABC may, subject to the approval of the Managing Director, agree to provide legal support or assistance and/or to meet costs and damages awarded by a court, or the subject of a settlement in legal proceedings.

5.4 Payment for interviews

- 5.4.1** The ABC may pay for specialist commentators or expert input, such as social, political, economics or arts commentators. People whose job or primary source of income is to provide comment or opinion on a particular subject, even if that subject is themselves, may seek payment for interviews.
- 5.4.2** Interviewees whose contribution has required research, travel, a substantial commitment of time or other inconvenience may be paid a modest amount by way of compensation.
- 5.4.3** In countries where it is the lawful practice for interviewees, including politicians, to be paid, the ABC may follow that practice.

5.5 Chequebook journalism

- 5.5.1** The ABC, as a matter of policy, will not enter into financial competition with other media for access to news items or stories (commonly called 'chequebook journalism').

5.6 Use of secondary sources

- 5.6.1** Where secondary sources such as media releases or other media reports are used to either generate ideas or gather information, the information drawn from those sources must be cross-checked and verified before use.

5.6.2 Audio, video and corporate media releases. Audio, video and corporate media releases should be used only when other reasonable means of obtaining the information independently are not available. Any vision, audio or interviews taken from a media release must be clearly identified as such (for example 'Defence Department vision' or 'advertisement').

5.6.3 Polls, surveys and statistics. Surveys and statistics are being used by organisations as a way of gaining a media presence and drawing attention to issues at the centre of their interests. Where surveys or statistics are provided by an organisation other than the Australian Bureau of Statistics or some other government instrumentality, they must be subjected to particular scrutiny before being considered as a source for a story. Care must be taken to ensure that the methodology is valid and that the issue raised has genuine news value and significance beyond the interests of the organisation providing the data.

5.6.4 Dial-in press conferences. Companies, lobby groups and other organisations may conduct press conferences via video or telephone. Where the conference is conducted in a way that places no significant limitation on reporters, the conference can be covered with normal editorial considerations. Where involvement of reporters is constrained in some significant way, a reference to those constraints should be included in any subsequent story.

5.7 Use of specialist commentators

5.7.1 It is ABC policy to provide a range of views on significant issues over time, ensuring the broadcast and publication online of a diversity of perspectives. To achieve this staff should use a number of different commentators and analysts.

5.7.2 If a guest commentator or analyst has a relevant interest in the issue being discussed, that interest should be declared. If specific information about the commentator would alter the audience's perception of the view presented, that information must be disclosed. These disclosures must not invade the legitimate rights to privacy of a commentator or analyst.

5.8 File footage, images or audio

5.8.1 File footage images or audio used in news or current affairs content should be clearly identified as such, when not to do so would confuse or mislead the audience.

5.8.2 Care must be exercised in the use of file material, particularly where it includes the image of an identifiable person. The use of file material in a new context could wrongly imply that the person was involved. The use of file material showing someone who has since died could be distressing for relatives. See also 11.10.7 on stock footage of tragedies.

5.8.3 Where relevant, sources of file footage, images or audio, including promotional material, should be identified.

5.9 Use of extracts from Parliamentary broadcasts

5.9.1 Special care must be exercised to ensure that the appropriate guidelines of the House of Representatives or the Senate or State and Territory Parliaments are complied with when using extracts from Parliamentary broadcasts.

5.9.2 The Parliamentary broadcast guidelines are available from News and Current Affairs management.

5.10 Hidden cameras

5.10.1 Except in special circumstances the ABC does not use hidden cameras. If hidden cameras are used, staff are not to be subjected to undue risk. Any material obtained through the use by the ABC of a hidden camera may not be broadcast without the approval of the Managing Director having regard to editorial principles and on the advice of the relevant divisional director.

5.10.2 ABC Legal Services must be consulted before using hidden cameras to record or observe a private activity.

5.10.3 It should be noted that State and Territory Parliaments have introduced legislation regulating the use of cameras to record or observe a private activity.

5.10.4 Private activity is defined as an activity that is done in circumstances that may be taken to indicate that any of the parties to it desire it to be observed only by themselves. It does not include an activity carried on in any circumstances in which the parties to it ought reasonably to expect that it may be observed by someone else.

5.10.5 For the purposes of this section, a hidden camera is one which the ABC has used in circumstances where the Corporation has taken active steps to hide the presence of the camera.

5.11 Re-enactments

5.11.1 Re-enactments should be used only when they add context and provide insight. They need to be based on facts, not imagination. They should not be used gratuitously.

5.11.2 Where they are used, re-enactments must be clearly identified as such and presented in a way which will not mislead audiences.

- 5.11.3** Re-enactments in television news bulletins must be approved by the senior bulletin producer. Re-enactments in current affairs content must be approved by the Executive Producer.

5.12 Violence

- 5.12.1** There will be times when there are genuine reasons for using violent images and sounds to adequately illustrate a story. The decision to use such images or sounds should be based on judgement of their newsworthiness, together with regard for the reasonable susceptibilities of audiences to the detail of what is broadcast or published. Such content should not put undue emphasis on the violent images or sounds, and where appropriate they should be preceded by a warning. (See 11.4.)

5.13 News updates, news promotions and news flashes

- 5.13.1** Care must be exercised in the selection of sounds and images used in television news updates and news promotions. Consideration must also be given to the likely composition of the audience.

- 5.13.2** Particular care should be taken with scheduled television news updates at those times when programming is directed at children. News updates at such times must not include any violent content.

- 5.13.3** **News flashes:** Because the timing and content of news flashes are unpredictable, particular care should be exercised in the selection of sounds and images, and consideration given to the likely composition of the audience. This should be done notwithstanding the need to get a newflash to air as quickly as possible.

- 5.13.4** Before any news flash during children's and other G-classified content, a visual and audio announcement must be broadcast advising viewers that regular programming will be interrupted with a news flash.

- 5.13.5** While care should be taken to consider the needs of the ABC's children's audience, the ABC presumes parents and carers share the responsibility for what their children watch.

5.14 Suicide

- 5.14.1** Suicide is a legitimate subject for news coverage; however, reporting of suicide may encourage other attempts and the ABC tries not to add to this risk. A step-by-step description can prompt vulnerable people to act. If reported at all, suicides should be described in moderate terms and should avoid graphic details of method and location, particularly when the method is unusual.

- 5.14.2** Sensitive use of language is also important. Check that language used does not glamorise or sensationalise suicide or present suicide as a solution to problems.
- 5.14.3** Celebrity suicide is reported where it is considered to be in the public interest. Coverage of celebrity suicide can glamorise or prompt imitation suicide, therefore avoid detailed descriptions of method and location.
- 5.14.4** There are legal restrictions in New South Wales and Queensland on reporting coronial inquests of possible suicides.
- 5.14.5** Additional information and resources about the reporting and portrayal of suicide can be found on the Commonwealth Government website: www.mindframe-media.info.

5.15 Reporting from overseas

- 5.15.1** The ABC provides extensive reports from overseas prepared by a variety of services: ABC staff posted to the ABC's overseas offices, ABC teams sent overseas on special assignments, reporters employed by other broadcasting or media organisations, international news agencies, and independent reporters who are paid for a particular story or are on a retainer.
- 5.15.2** Some overseas reports may contain material that reflects adversely on foreign governments, other political systems or cultural values. The ABC is not an agency for any government foreign policy. The editorial independence and journalistic standards of the ABC are as important overseas as they are in Australia.
- 5.15.3** At times there is a sharp conflict between the demands of credible reporting for Australian audiences and the political or cultural demands of the host country. The conflict can be heightened by the misapprehension that the ABC is an information agency of any government. The ABC has to make judgments on a case-by-case basis, but its editorial integrity can never be compromised.

5.16 Reporting from military actions

- 5.16.1** In times of war or other military action, the ABC may decide to have reporters travel with a military unit and report its activities. Under such circumstances, the role of the reporter remains that of independently reporting on events and issues, and providing context and analysis where appropriate. The ABC should declare when its reporters are restricted and must disclose any censorship.

5.17 Labelling of groups and individuals

5.17.1 The overriding objective for the ABC is to report the facts clearly, accurately and impartially to enable audiences to make their own judgements and form their own conclusions.

5.17.2 The ABC does not label groups or individuals except where labels provide valuable information or context. Labels, if inappropriately applied, can be seen as subjective, over simplistic or as portraying stereotypes.

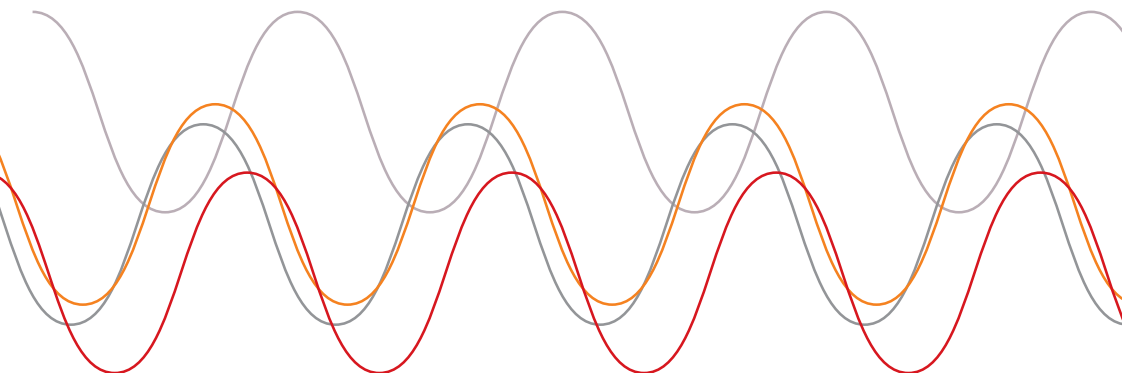
5.17.3 Where labels have been ascribed to an individual or group by a third party, this will be made clear within the broadcast.

5.18 Presenters appearing in fictional content

5.18.1 The ABC occasionally receives requests for presenters from the News and Current Affairs Division to read fictitious news bulletins, or similar, in comedy or drama content. Generally the News and Current Affairs Division will not approve this type of request because such appearances have the potential to undermine the credibility of the ABC presenters.

5.19 Other relevant sections of the Editorial Policies

5.19.1 Sections 4, Editorial Responsibility and Section 11, Content standards are also relevant to news and current affairs content.



9 opinion content



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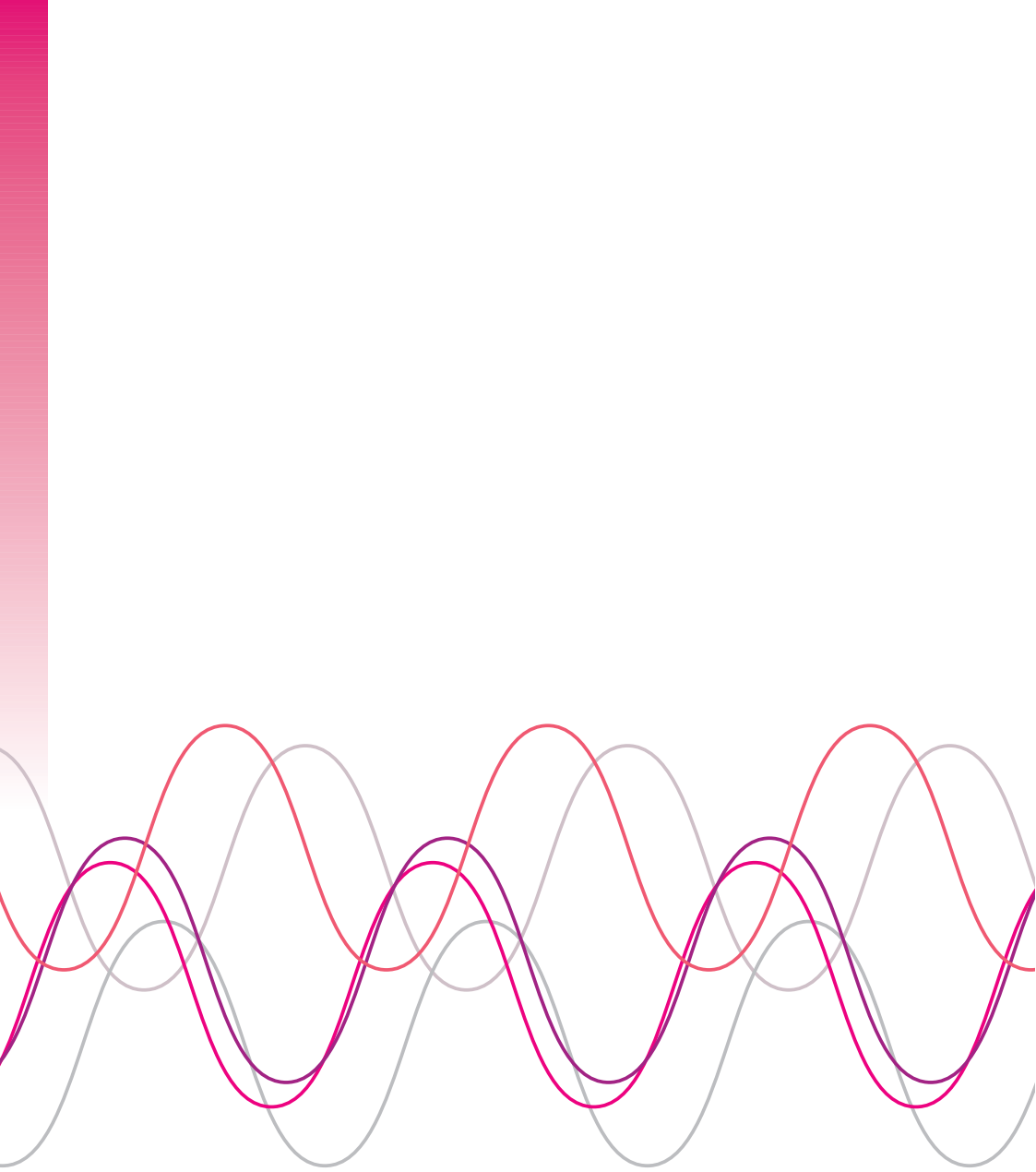
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6 Opinion content

- 6.1** Opinion content is commissioned or acquired to provide a particular perspective or point of view. It is prepared or presented by the person who is the author of the content. Such content can add to public understanding and debate on issues.
- 6.2** This category relates to matters of contention and public debate.
- 6.3** Content in this category includes lecture series, point of view documentaries, editorial commentary, speeches and programs where the ABC has commissioned the presenter to take an editorial perspective.
- 6.4** Content which does not fall within this category includes opinions expressed by audiences through talkback or online interactive features; opinions expressed by guests participating in news and current affairs content or topical and factual content; content categorised as performance; and analysis and context provided by ABC presenters and journalists participating in news and current affairs content.
- 6.5** Staff working on opinion content are required to observe the principles listed below, while keeping in mind the ABC's key values: honesty, fairness, independence and respect (see Section 2).
- 6.6** **Staff must also observe the following principles:**
- 6.6.1** Content must be signposted to audiences in advance.
- 6.6.2** The ABC does not endorse opinions expressed in such content.
- 6.6.3** The ABC is committed to impartiality and must demonstrate this in its opinion content through the presentation of a diversity of perspectives. This requires a diversity of perspectives to be demonstrated across a network or platform by providing content of a similar type and weight and in an appropriate time-frame. (For example, this might be achieved by presenting a discussion program after a point-of-view documentary.)
- 6.6.4** In the presentation of this content, staff should:
- (a)** take reasonable steps to ensure factual content is accurate
 - (b)** not misrepresent other viewpoints.

- 6.6.5** Exercise reasonable respect for privacy.
- 6.6.6** Take responsibility for editorial decisions and refer upwards.
- 6.7** It is not normally appropriate for regular ABC presenters or reporters associated with news or current affairs content to participate in opinion content. However, these presenters or reporters may be specifically commissioned to provide opinion content, such as in the form of an identified program 'editorial'. This should not be confused with a reporter or presenter providing analysis and context (see 5.1.6), based on their professional expertise and judgement, as part of their news or current affairs reportage, including 'Q&As'.
- 6.8** In addition to these principles, the following parts of Section 5 relating to news and current affairs content also apply to opinion content:
- 5.3 Interviews
 - 5.4 Payment for interviews
 - 5.5 Chequebook journalism
 - 5.7 Use of specialist commentators
 - 5.8 File footage, images or audio
 - 5.9 Use of extracts from Parliamentary broadcasts
 - 5.10 Hidden cameras
 - 5.12 Violence
 - 5.14 Suicide.
- 6.9** Section 4, Editorial responsibility and Section 11, Content standards, are also relevant to opinion and review content.



7 topical and factual content

[back to
contents](#) [fwd](#)

[back](#) [<](#)



editorial
policies

7 Topical and factual content

- 7.1** Through its topical and factual content the ABC reflects a wide range of audience interests, beliefs and perspectives, presented in a wide variety of formats and styles. This content includes for example:
- 7.1.1** specialist topics such as arts, children's, education, entertainment, history, Indigenous, lifestyle, natural history, religion, science and sports
- 7.1.2** formats such as magazine-style and quiz programs, commentary, talk-back, documentary, discussions, interviews and reviews.
- 7.2** Content which does not fall within this category includes news and current affairs content, opinion content and performance.
- 7.3** Staff working on topical and factual content are required to observe the principles listed below, while keeping in mind the ABC's key values: honesty, fairness, independence and respect (see Section 2).
- 7.4** **Staff must also observe the following principles:**
- 7.4.1** The ABC is committed to impartiality: where topical and factual content deals with a matter of contention or public debate, a diversity of principal relevant perspectives should be demonstrated across a network or platform in an appropriate timeframe.
- 7.4.2** Factual content requires accuracy.
- (a)** Every reasonable effort must be made to ensure that factual content is accurate and in context.
- (b)** The ABC will not hesitate to admit and correct a significant error when it is established that one has been made. When a correction is necessary, it will be made in an appropriate manner as soon as reasonably practicable.
- 7.4.3** Avoid conflicts of interest.
- 7.4.4** Other viewpoints should not be misrepresented.
- 7.4.5** Exercise reasonable respect for privacy.
- 7.4.6** Take responsibility for editorial decisions and refer upwards.

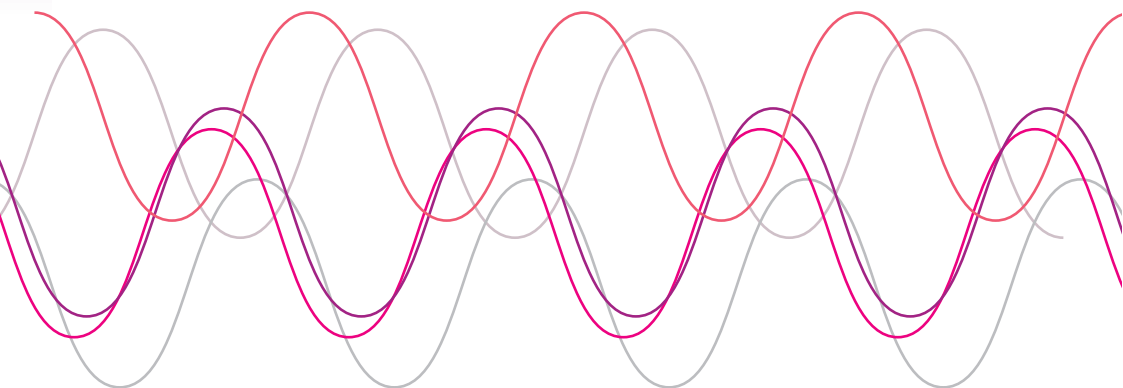
7.5

In addition to these principles, the following parts of Section 5 relating to news and current affairs content also apply to topical and factual content:

- 5.3 Interviews
- 5.4 Payment for interviews
- 5.5 Chequebook journalism
- 5.6 Use of secondary sources
- 5.7 Use of specialist commentators
- 5.8 File footage, images or audio
- 5.9 Use of extracts from Parliamentary broadcasts
- 5.10 Hidden cameras
- 5.12 Violence
- 5.14 Suicide
- 5.17 Labelling of groups and individuals.

7.6

Section 4, Editorial Responsibility and Section 11, Content Standards are also relevant to topical and factual content.



∞ performance content

[back to
contents](#) > fwd

back <



editorial
policies

8 Performance content

- 8.1** The ABC encourages and promotes the musical, dramatic and other performing arts in Australia, across its services. This category of content includes live or recorded musical or theatrical performance, drama, satire and comedy.
- 8.2** Staff working on performance content are required to undertake these activities with care and integrity and in accordance with ABC's key values: honesty, fairness, independence and respect (see Section 2).
- 8.3** Satire has a legitimate place in ABC content.
 - 8.3.1** The groups or individuals most often satirised are those prominent in public life.
 - 8.3.2** Staff involved in satirical content need to consider the potential for satire to cause harm to groups or individuals and should refer upwards as required in accordance with 4.1.4. Staff should also give consideration to the context and subject matter of the satirical treatment.
- 8.4** Section 11, Content standards, sets the requirements for performance content, while Section 4, Editorial responsibility, is also relevant.

user-generated content

9. User-generated content

- 9.1 Introduction
- 9.2 Values
- 9.3 Principles
- 9.4 Standards



9 User-generated content

9.1 Introduction

9.1.1 This section applies to content categorised by the ABC as user-generated content (UGC).

9.1.2 **User-generated content.** User-generated content (UGC) is content in the form of text, video, still image or audio that:

- (a) is submitted by a user for publication on an ABC online or other interactive service (see section 9.1.3);
- (b) generally involves some creative effort on the part of the user, in creating original content or adapting existing content; and
- (c) is usually self-produced and submitted without expectation of payment from the ABC.

9.1.3 *Interactive services* are programs or applications that allow users to have some input or interaction with others, often to communicate and share content with one another. Online and other interactive services include those offered on websites and through other digital platforms.

9.1.4 UGC may be solicited by the ABC, such as through surveys, competitions, requests for comments to “have your say” forums or message boards, and invitations to post to an events diary.

9.1.5 This content category does **not** include:

- (a) audience participation at live events;
- (b) audience participation or talkback during the recording or transmission of a program on radio or television;
- (c) audience comments submitted for publication in print magazines; or
- (d) complaints made through online or other means.

9.1.6 **Use of UGC in other content categories.** Any UGC that is used by the ABC in another category of content must comply with the standards applicable to that other content category. So, for example: the standards in Section 5 (News and current affairs content) will apply to a user-submitted photograph that is included in an ABC News story; and the standards in Section 8 (Performance content) will apply where a user-submitted song is broadcast during an ABC Radio or Television music program.

9.2 Values

9.2.1 The ABC upholds the same values when engaging with users of our online and other interactive services as we do when engaging with our viewers, listeners and readers on established platforms: honesty, fairness, independence and respect.

9.3 Principles

9.3.1 Primacy of public service. The fundamental purposes of the ABC engaging with users on online and interactive services are the same as the public service purposes for ABC activities on other media platforms: to inform, entertain, educate, and encourage and promote the arts.

9.3.2 Providing opportunities for user engagement. The ABC encourages users to engage with the ABC and with each other and provides opportunities for them to do so.

9.3.3 Serving a fragmented audience. Online and other interactive services give users much greater choice and control over what, when and where they engage than traditional radio and television broadcasting. To stay relevant and accessible, the ABC seeks both to draw audiences to the platforms and services the ABC controls, and to reach audiences using suitable services that third parties control.

9.3.4 Proportionate responsibility. The ABC takes editorial responsibility in proportion to its control of the media environment in which it operates. The ABC expects users who engage with the ABC's interactive services also to exercise responsibility for what they can control. The ABC aims to develop opportunities for user engagement while managing its risks, responding quickly to maximise benefits and to minimise harms.

9.3.5 Promoting access to relevant and suitable external sources. ABC platforms are connected with an online world that offers worthwhile and diverse content and tools. The ABC aims to assist users to locate content and tools consistent with our public service purposes to inform, entertain, educate, and encourage and promote the arts.

9.4 Standards

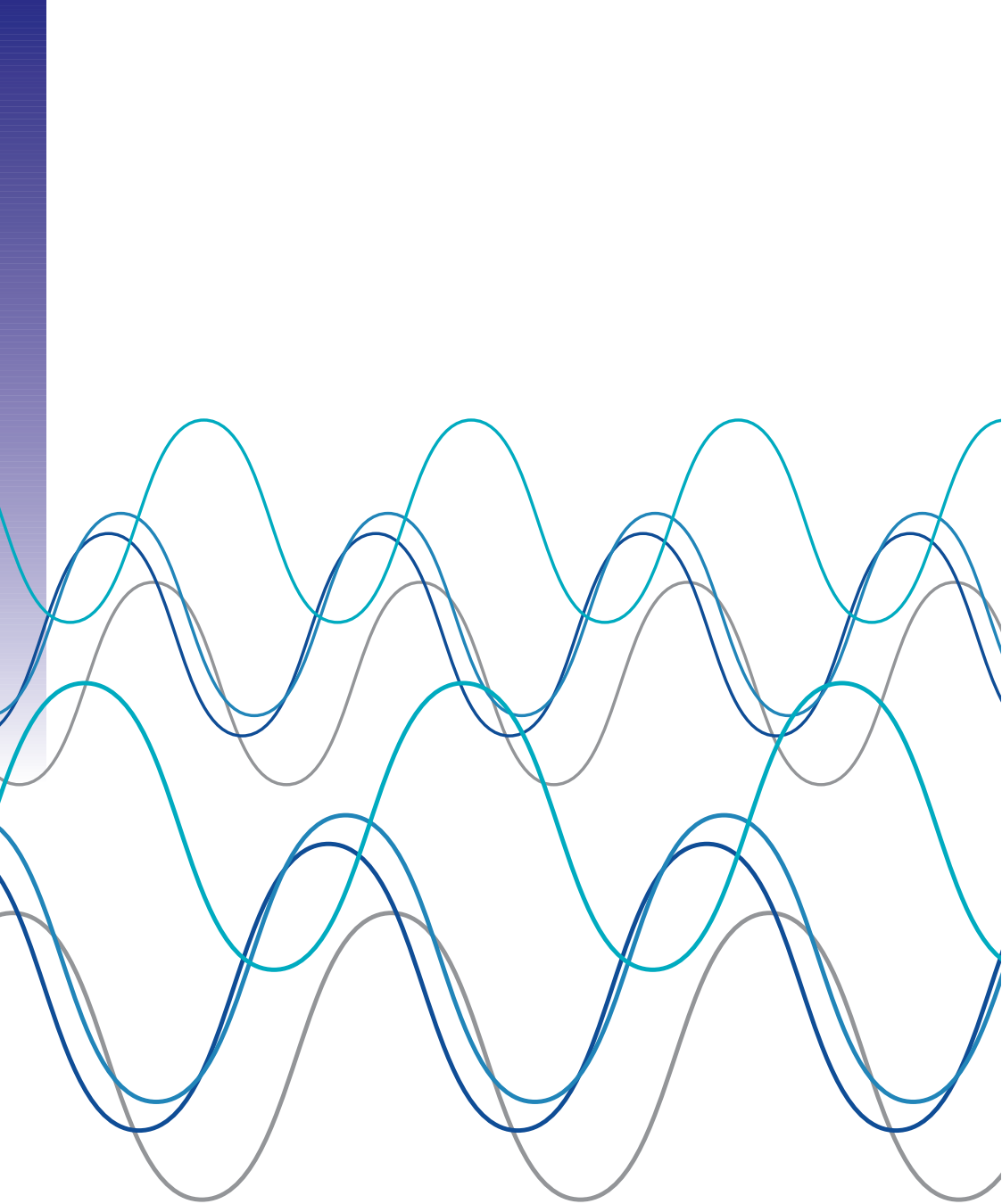
9.4.1 Signposting UGC. The ABC will clearly distinguish UGC from other content produced, commissioned or acquired by the ABC.

- 9.4.2 Conditions of use.** Users contribute to the ABC's interactive services under conditions of use developed in consultation with ABC Legal. The conditions of use are applicable across all ABC interactive services. The conditions of use must be readily accessible to users on every interactive service. The conditions of use may be supplemented, but cannot be overridden, by a moderation statement tailored to a particular interactive service setting out, for instance, the approach taken to moderating UGC and managing user interactivity.
- 9.4.3 Moderation.** Every ABC interactive service on which UGC is published must be moderated by appropriately trained staff.
- 9.4.4** Moderation may involve pre-moderation, post-moderation or reactive moderation:
- (a) pre-moderation is where UGC is not published until a moderator has reviewed it and determined it is suitable for publication;
 - (b) post-moderation is where UGC is published on the site and a moderator determines whether it is suitable to remain on the site in its published form;
 - (c) reactive moderation is where the moderator reacts to alerts from users about particular UGC. The moderator does not view every user contribution.
- 9.4.5** Any proposal for post-moderation or reactive moderation of an interactive service must be referred upwards to an appropriately senior ABC person designated for the purpose within the responsible Division. (Upward referral is not required where reactive moderation is used in combination with pre-moderation.)
- 9.4.6** Before approving the sole use of reactive moderation, the designated decision-maker should consider:
- (a) the history of the interactive service;
 - (b) the editorial purpose of the interactive service;
 - (c) the nature of the UGC and any risks arising from it;
 - (d) the adequacy of arrangements to host the service and to ensure user alerts receive proper attention.
- 9.4.7** Reactive moderation may be suitable for less sensitive interactive services where a higher degree of self-regulation is appropriate. This is more likely to be suitable for an active, mature online community where the history indicates that UGC is rarely removed. It is more likely to suit topics which tend not to attract polarised or extreme responses. Reactive moderation is not suitable for an interactive service which is likely to attract a high proportion of children.
- 9.4.8** The particular community's standards, the quality of UGC and the method of moderation should be kept under active review and, if necessary, the responsible Division should be prepared to revert to post-moderation or pre-moderation at short notice.

- 9.4.9 Editorial responsibility and content standards.** Section 4 (Editorial responsibility) and Section 11 (Content standards) are also relevant to UGC.
- 9.4.10 Accuracy and corrections.** The ABC cannot reasonably be expected to verify the accuracy of UGC or to correct all inaccuracies in UGC, other than for UGC that is used by the ABC in another content category (see section 9.1.6). However, where the ABC is satisfied it is necessary or appropriate, it may exercise its discretion to edit, remove or clarify UGC that contains an error or is otherwise false or misleading.
- 9.4.11 Impartiality.** The ABC does not require impartiality from users who generate content. The issues raised by users' submissions may be contentious. The ABC recognises that social and political activity is a necessary and desirable aspect of a healthy democracy, and that UGC will encompass that activity. It is the nature of online and interactive services that from time to time, particular perspectives may dominate due to the flow of contributions from users.
- 9.4.12** Mindful of its duty to maintain its independence and integrity, the ABC will be open to the spectrum of views and give users a fair opportunity to participate.
- 9.4.13** The ABC will make it clear that content created by users is not endorsed by the ABC.
- 9.4.14 Protection of children and young people.** The ABC must take extra care when providing online and interactive services that are designed for or likely to appeal to children and young people (under the age of 18). Where practicable, appropriate measures must be adopted to enable children and young people, and those who supervise them, to manage risks associated with the use by children and young people of these services and to protect them from potential harm. Particular care should be taken to minimise risks of exposure to unsuitable content or inappropriate contact by peers or strangers. The ABC will take particular care when collecting and using personal information from children and young people.
- 9.4.15 Links posted by users.** In accordance with the style of moderation in use (section 9.4.4), the ABC must check user-submitted links to ensure they are editorially justified and suitable for the likely audience, which may include children. Particular care must be exercised when linking to sites that have content that is contentious. The publication and placement of links should not give undue prominence to commercial products or services.

- 9.4.16** When assessing a user-submitted link, consideration should be given to:
- (a) how long the link is likely to remain available;
 - (b) any need to regularly monitor the quality of the material on the pages being linked to;
 - (c) any legal risks; and
 - (d) how to remove the link quickly should that become necessary or desirable.
- 9.4.17** The ABC must make it clear that it does not endorse and is not responsible for the content on sites to which users link.
- 9.4.18** **Fundraising.** The ABC will not permit its interactive services to be used by users directly to solicit donations. It is permissible for users to submit information about community events aimed at raising funds from those who participate, for example, school concerts, church fetes and fun runs for charities.
- 9.4.19** Section 14.3 separately governs the ABC's own formal participation in fundraising activities with charities and community organisations.
- 9.4.20** **No commercialisation of interactivity on abc.net.au unless authorised.** Any ABC interactive service offered on abc.net.au or linked to from abc.net.au must not generate a commercial return for the ABC unless permitted by the ABC Act and approved in writing by the Managing Director.
- 9.4.21** **Commercial references and the ABC's interactive services.** Consistent with Section 16 (Involvement with commercial organisations, products and services), ABC interactive services must not be used to unduly promote commercial products or services. This does not, however, preclude the use of commercial references that are necessary or contextually relevant, for example, to inform users about third-party sites through which ABC activities are made available, or to provide audiences with useful information in event diaries.
- 9.4.22** Editorial references within ABC interactive services to commercial organisations should not normally contain any use of their logo. Use of commercial logos must be editorially justified and should be approved in advance by an appropriately senior ABC person designated for the purpose within the responsible Division.

- 9.4.23 ABC use of interactive services on third party sites.** The ABC may use social networking and other third party sites to interact with its audiences. Any proposal to set up an ABC interactive service on a third party site must be approved by an appropriately senior ABC person designated for the purpose within the responsible Division.
- 9.4.24** It should be clear to users of the third party site that they are interacting with a profile page, channel or other presence that is officially maintained by the ABC. Where ABC branding is to be used, regard must be given to the approval processes set out in Section 17 (Use of ABC name, logo and other registered trademarks).
- 9.4.25** Before the ABC uploads its content to a third party site, or invites users to upload their content to a third party site, the ABC must give consideration to the site's terms and conditions and whether there is a need to address legal and rights issues. ABC Legal and the ABC's Rights Management unit should be consulted as appropriate.
- 9.4.26** The ABC presumes that responsibility for moderation and management of UGC on third party sites lies first with the third party site itself. In some circumstances, the ABC may need additionally to intervene and manage UGC submitted to the ABC's profile page, channel or other presence established on the third party site. As social networking sites and other forms of user interactivity are evolving, the ABC needs to take a flexible approach to assessing when and how it intervenes. The approach adopted by the ABC in each case should be sensitive to the expectations, customs and conventions of existing users of the third party site, and to the ABC's need to maintain its own reputation as an innovator with integrity.



10 international broadcasting

10. International broadcasting

- 10.1 Introduction
- 10.2 Cultural perspectives in international broadcasting
- 10.3 ABC Online internationally
- 10.4 Australia Network



editorial
policies

back <

back to
contents > fwd

10 International broadcasting

10.1 Introduction

- 10.1.1** The ABC is required to transmit to countries outside Australia, broadcasting programs of news, current affairs, entertainment and cultural enrichment. The aim is to encourage awareness of Australia and an understanding of its outlook on world affairs. International services also enable Australians overseas to stay in touch with events at home.
- 10.1.2** The ABC has two international broadcasting services:
- (a) Radio Australia**—an international radio service broadcasting by short-wave and satellite to Asia, the Pacific and via local re-transmission arrangements in areas of North America, Europe and southern Africa
 - (b) Australia Network**—international television and online services supported by sponsorship and advertising.
- 10.1.3** The media in some of the countries which receive Radio Australia and Australia Network are more restricted and constrained than they are in Australia. Occasionally reports may create difficulties in Australia's foreign relations with another country. This is the price of a genuinely independent international service, one which is recognised and accepted by the ABC and the Australian Parliament.
- 10.1.4** As a regional broadcaster, the ABC operates its international services from the perspective of the Pacific and Asian regions, with global and Australian domestic affairs seen in a regional context. Domestic issues and interests have a natural and important place on the information and entertainment agendas of the regions.
- 10.1.5** The ABC aims to provide its international audiences with authoritative, independent and impartial news and information, high quality educational and cultural programs, and to show the range and diversity of Australian culture.
- ## 10.2 Cultural perspectives in international broadcasting
- 10.2.1** The ABC's international broadcasters should be mindful of the concept of 'cultural intrusion'. Values expressed in content may conflict with the beliefs, standards and self-identities of audiences in other countries. Some may view the ABC as projecting particular economic, political and cultural views.

- 10.2.2** Cultural sensitivities vary both in nature and intensity across the Asia-Pacific regions, but the various cultures share some areas of common concern. In content selection and scheduling, ABC international broadcasters will be mindful of these concerns. For example, they should be aware that:
- (a) many societies do not easily accept direct or implied comment which disparages their leaders or authorities
 - (b) the portrayal of racial, ethnic, religious or political differences and conflicts may be seen to provoke agitation, or to impinge on or threaten national identity or sense of community
 - (c) while religious beliefs and practices vary widely and no absolute standards are possible, an awareness of, and respect for, the values of the region will help to avoid unnecessary offence
 - (d) the deep regard in which some countries hold their royal family—for example, in Thailand or Tonga—requires appropriate attention
 - (e) satire and other forms of comedy casting disrespect may cause offence.

10.2.3 However, while cultural sensitivities may be considered, the ABC will not distort or censor content, particularly news or current affairs content, in order to avoid possible offence to part of the totality of its audience. Rather, the context of the material will determine its usage.

10.2.4 Some political groups in Asia and the Pacific periodically express anger about the way they are portrayed in Western media. The ABC accepts that to some extent this is inevitable, while holding the view that its principal concern is to uphold the independence and integrity of ABC news and current affairs content provided by its international broadcasting services.

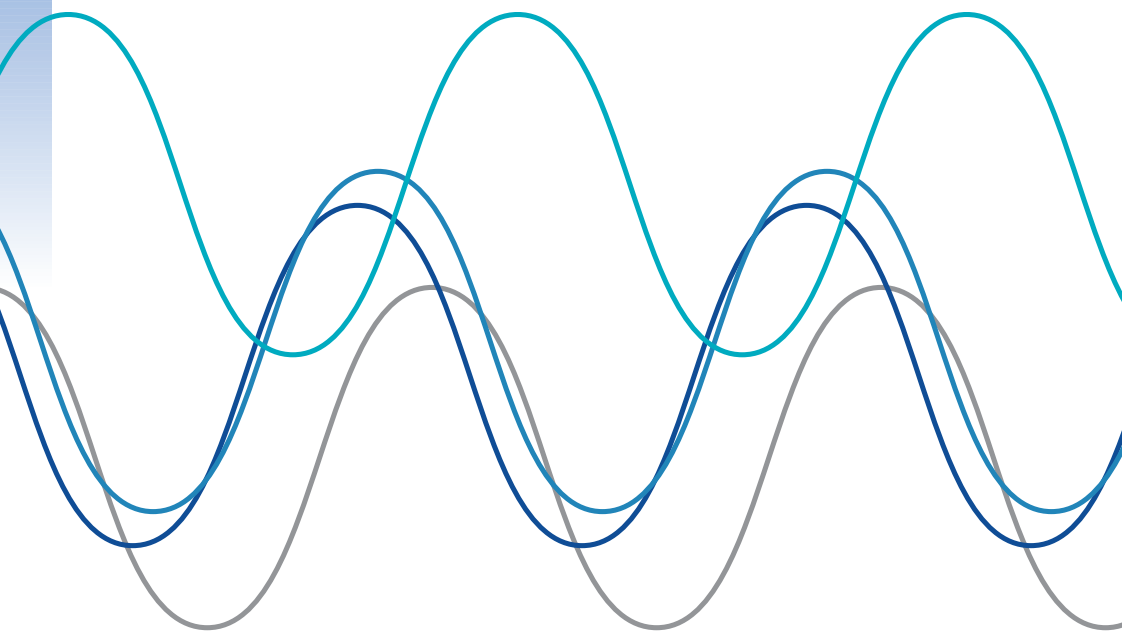
10.3 ABC Online internationally

10.3.1 International audiences are able to access ABC content and services on ABC Online and Australia Network Online. Staff should be aware of the international reach of any content published or distributed on the internet. Even where ABC web content is primarily published for a domestic audience, staff should be conscious of the potential international audience, and be aware of copyright and other legal implications.

10.4 Australia Network

10.4.1 Australia Network is funded under contract with the Department of Foreign Affairs and Trade, and aims to raise additional revenue for the service through sponsorship and the sale of advertising. The prohibition on the ABC broadcasting advertisements does not apply to the ABC's international television service or its associated audio channels outside Australia. (Section 31(3) of the ABC Act.)

- 10.4.2** The ABC has developed sponsorship and advertising guidelines for Australia Network's international television and online service (see Appendix 5).
- 10.4.3** Apart from the acceptance of sponsorship and advertising on Australia Network television and its associated audio and online services, the ABC Editorial Policies apply to all of Australia Network's content activities.



11 Content standards

11. Content Standards

- 11.1 Introduction
- 11.2 Warnings
- 11.3 Television program classification
- 11.4 Violence
- 11.5 Use of language
- 11.6 Sex and sexuality
- 11.7 Cultural diversity
- 11.8 Discrimination and stereotypes
- 11.9 Privacy
- 11.10 Intrusion into grief
- 11.11 Indigenous Australian content
- 11.12 Religious content
- 11.13 Content for children
- 11.14 Use of children in ABC content
- 11.15 Accessibility
- 11.16 Supplied content
- 11.17 Right of reply



11 Content standards

11.1 Introduction

- 11.1.1 The media both reflect and influence community standards and values through the use of language, images and sound. Recognising this, the ABC must maintain high standards of integrity in its content.
- 11.1.2 Questions of taste and decency in the Australian community are complex. Individuals and groups may have different standards, and these may change over time. The ABC does not broadcast or publish material which is likely to offend to a substantial degree, the standards of the content's target audience.
- 11.1.3 This section of the Editorial Policies should be read in conjunction with the ABC's *Workplace Values and Code of Conduct* (see Appendix 6) and 4.1 on editorial responsibility and upward referral.

11.2 Warnings

- 11.2.1 From time to time, the ABC presents content that it recognises may disturb or offend some of the audience. In such cases, the ABC has a responsibility to warn audiences about the content.
- 11.2.2 These warnings should be given immediately before the content, as appropriate. Decisions about use of warnings are subject to the principles of upward referral outlined in 4.1.
- 11.2.3 There should be enough information in the warnings for the audience to decide whether they wish to continue with the content. The warnings should indicate any specific areas that may disturb or offend. They should be clear and factual, neither urging people to turn off nor daring them to stay.

11.3 Television program classification

- 11.3.1 The ABC's classification of television programs in the ABC's Code of Practice is based on the Guidelines for the Classification of Films and Computer Games issued by the Office of Film and Literature Classification (see www.oflc.gov.au). The ABC Code of Practice appears at Appendix 3.
- 11.3.2 The classifications cover all broadcasts on ABC Television with the exception of news, current affairs and sporting content. However, staff making news, current affairs or sporting content are required to be mindful of the likely makeup of the audience at the time of broadcast. Further information is provided in Section 5, which, among other things, deals with the presentation of violence (see 5.12) and news updates, news promotions and news flashes (see 5.13).

11.3.3 Programs having a particular classification under the Office of Film and Literature Classification guidelines may be modified so that they are suitable for broadcast or suitable for broadcast at particular times.

11.3.4 It is not always possible or sensible to schedule television programs within the time zones indicated in the ABC Code of Practice, because the target audience may not be available. For example, programs for teenage audiences might need to discuss sexual matters that concern them. Where there is a departure from the time zones, staff should ensure that there are valid reasons to do so, including appropriate context.

11.3.5 Rigid adherence to classification guidelines could prevent the ABC from discharging its responsibilities. For example, innovative or experimental film and video material may challenge general community standards, yet warrant publication for artistic and cultural reasons.

11.4 Violence

11.4.1 Violence exists in many forms and the ABC's duty to inform includes communicating and analysing the facts about violent events. Violence may also be a legitimate component of literary or dramatic works. The presentation or portrayal of violence may be appropriate when not used gratuitously, but staff should ask whether it is providing legitimate information or context or being used simply to shock.

11.4.2 Decisions about whether and how to portray violence should not be taken lightly. Its possible effects, including whether it may stimulate aggressive or violent behaviour or induce indifference or insensitivity, should be considered. Where it is presented, it is often appropriate to give a warning before the program or before the relevant segment (see 11.2).

11.4.3 See also 11.6.2 on portrayal of sexual violence and 11.13 on content for children.

11.4.4 Violence in drama occasionally attracts criticism. Yet artistic freedom enables dramatists to heighten the audience's involvement in significant human experiences. There are occasions when presentation of violence may be appropriate, and providing it is done with integrity, the right to do so should be upheld.

11.4.5 The presentation of violence requires careful consideration. In many cases the details of violent action should be avoided, although it is important not to diminish the significance of violence by treating it too summarily. There may be occasions when the consequences of violence should be shown at some length, perhaps to arouse a compassionate response from the audience.

- 11.4.6** The ABC rejects the use of violence for its own sake, or as an easy substitute for other dramatic values. The aim is not to see how much violence will be tolerated, but how little is necessary to achieve honest ends without undue dramatic compromise.
- 11.4.7** Violent events should never be sensationalised or presented for their own sake. A balance needs to be struck between the inherent strength of the images and proper detachment. It may be appropriate to retain some elements of the effects of violence to prevent it appearing routine or predictable. There may be rare occasions when it is judged necessary to use material that will shock, but this should be done only after very careful consideration. Where a particular sequence or program is likely to disturb, distress or offend some of the audience, the ABC has a responsibility to provide a prior warning (see 11.2).
- 11.4.8** **Suicide.** Suicide is a legitimate subject in ABC content. The depiction or description of suicide must be handled with extreme sensitivity. Care must be taken to ensure that events or methods depicted or described do not encourage others to copy these actions.
- 11.4.9** Reporting of suicide may encourage other attempts and the ABC tries not to add to this risk. A step-by-step description can prompt vulnerable people to act. If reported at all, suicides should be described in moderate terms and avoid graphic details of method and location, particularly when the method is unusual.
- 11.4.10** Sensitive use of language is also important. Check that language used does not glamorise or sensationalise suicide or present suicide as a solution to problems.
- 11.4.11** Celebrity suicide is reported where it is considered to be in the public interest. Coverage of celebrity suicide can glamorise or prompt imitation suicide, therefore avoid detailed descriptions of method and location.
- 11.4.12** Additional information and resources about the reporting and portrayal of suicide can be found on the Commonwealth Government website: www.mindframe-media.info.

11.5 Use of language

- 11.5.1** There are no hard and fast rules in language, nor are there absolute rights and wrongs. Language is constantly evolving: word meanings and associations change, new words are introduced and old words become obsolete. Variations of language favoured by different groups are valid and have their place in content if the ABC is to fulfil its responsibility to all Australians.

11.5.2 Coarse language: On occasions the language of one group may be distasteful to another. Such language is permitted provided it is not used gratuitously and can be justified in the context of, for example, news and current affairs reporting, fiction, documentary, dramatisation, comedy or song lyrics. In the right context, coarse language may cause little offence but prior warning should be given when appropriate (see 11.2).

11.5.3 Use and pronunciation: The Charter requires the ABC to maintain services of a high standard. To ensure high standards in the use of language and pronunciation, the ABC maintains a Standing Committee on Spoken English (SCOSE). SCOSE rules on the appropriate use of language, and recommends and updates pronunciation and grammar guides. Staff should consult these guides and, when in doubt, contact the ABC's Language Research Specialist. SCOSE Online is at <http://nucdb04/scose>.

11.6 Sex and sexuality

11.6.1 Sex and sexuality are legitimate topics for the media. These topics should be handled with integrity and without sensationalism. Where appropriate, the ABC informs the audience about the content in advance.

11.6.2 Acts of sexual violence are serious crimes. Therefore, sexual violence or exploitative or non-consensual sexual relations should not be presented as desirable.

11.7 Cultural diversity

11.7.1 The ABC is committed to content which represents Australia's cultural, ethnic and racial diversity.

11.7.2 The Charter requires the broadcast of programs that contribute to a sense of national identity and reflect the cultural diversity of the Australian community. It also requires the Corporation to take account of the multicultural character of the Australian community.

11.7.3 Ensuring that the on-air and online 'look' and 'sound' of the Corporation adequately reflects Australia's multicultural society also has employment implications. The ABC has developed equity and diversity plans to assist in its aim of achieving a more accurate representation of the composition of the Australian community in the make-up of its work force.

11.7.4 When making content or reporting on topics it is important to ensure that the values and beliefs of Australia's many different cultures are taken into account and that background issues are adequately explored. Ethnic cultures within Australia interact with one another and cannot simply be equated with the cultures of their countries of origin.

- 11.7.5** Following are some suggestions as to how cultural diversity and multiculturalism can be represented by the ABC:
- (a) Analyse and explore the process of cultural transformation and social and economic interaction between Australia's various cultural groups and communities of interest
 - (b) Consult the communities concerned and take account of the complex historical, cultural or social factors that may be involved
 - (c) Draw content from the widest possible range of cultural experiences and viewpoints
 - (d) Develop contacts with experts, commentators and interviewees from a variety of cultural groups and communities of interest
 - (e) Get the viewpoints of people in ethnic communities on issues other than immigration and community tensions
 - (f) Avoid contributing to racism or discrimination on the grounds of ethnicity.

11.8 Discrimination and stereotypes

11.8.1 In presenting content, the ABC has a responsibility to treat all sections of society with respect and to avoid the unnecessary use of prejudicial content.

- 11.8.2** To avoid discrimination, content should not use language or images which:
- (a) disparage or discriminate against any person or group on grounds such as race, ethnicity, nationality, sex, age, disability or sexual preference; marital, parental, social or occupational status; religious, cultural or political belief or activity
 - (b) are not representative and reinforce stereotypes, or convey stereotypic assumptions about gender roles
 - (c) convey prejudice
 - (d) make demeaning or gratuitous references; for example, to people's physical characteristics, cultural practices or religious beliefs.

11.8.3 In content using experts, interviewees and other talent to present opinions, staff should ensure a balance of commentators and experts where possible, such as gender, ethnicity, age etc.

11.8.4 The term 'mental illness' covers a wide range of symptoms, conditions and effects on people's lives. Be careful not to imply that all mental illnesses are the same.

11.8.5 Avoid stereotypes and use appropriate language. Additional information and resources about the reporting and portrayal of people with a mental illness can be found on the Commonwealth Government website: www.mindframe-media.info.

11.8.6 The above requirements are not intended to prevent content which is factual or the expression of genuinely-held opinion, or content presented in the legitimate context of a humorous, satirical or dramatic work.

11.8.7 Further advice on these and associated issues can be obtained from the ABC Equity and Diversity Manager. (See 11.11 for advice on Indigenous Australian content.)

11.9 Privacy

11.9.1 The rights to privacy of individuals, including innocent third parties (for example, relatives of those convicted of crimes), should be respected in all ABC content. However, as the public also has a right to information about public figures relevant to their public duties, intrusions upon privacy may, in some circumstances, be justified. Investigative content is often concerned with activities or individuals which have an impact on other people. This may justify methods which could otherwise be seen as breaches of privacy.

11.9.2 The ABC is committed to protecting the privacy of users of ABC Online. Staff publishing online should be familiar with the ABC's privacy policy, available at <http://abc.net.au/privacy.htm>. This covers the collection, use and disclosure of personal information as well as providing advice to users about how to protect their privacy while interacting with ABC Online.

11.10 Intrusion into grief

11.10.1 The public is sensitive to the coverage of distressed survivors, witnesses or bereaved relatives of victims of attacks, murders, suicides, accidents and disasters. Many see this as a violation of people's privacy at a time when they are most vulnerable.

11.10.2 In the initial stages of bereavement or immediately after trauma, people may be in shock and may not be able to make rational choices about being interviewed or judgments about what they are saying. Great sensitivity should be exercised in deciding whether there is a public interest in seeking comments. The people concerned should not be pursued unduly for interviews.

11.10.3 Except in special circumstances, children who have recently been victims of, or eyewitnesses to, a tragedy or traumatic experience should not be interviewed or featured.

11.10.4 Reactions of relatives when being informed of the death of a family member should not be recorded or used.

- 11.10.5** Except in special circumstances funerals should not be covered if the family has made it clear that the media are unwelcome. Where the funeral is of a public figure, shared coverage by pooling resources with other networks reduces the intrusiveness of several crews. Liaison with police is advisable in circumstances where the funeral is expected to attract wide attention.
- 11.10.6** There is a particular need for care and sensitivity when reporting deaths. Police restrictions on the reporting of deaths should be observed. In all cases, great care must be taken in verifying details of deaths and the ABC must be sensitive to the distress that may be caused if a family learn of the death from the media.
- 11.10.7** Sometimes the successful resolution of a person's grief can be hampered by the repetition of pictures and details of the scene of the tragedy which affected him or her. Stock footage of disasters is often used when following up stories, or when similar events occur. The choice and repetition of recognisable images should be made with consideration for the feelings of victims and relatives who may be viewing.

11.11 Indigenous Australian content

- 11.11.1** In this section, 'Indigenous Australian' refers to the Aboriginal peoples and Torres Strait Islanders of Australia. An Indigenous Australian is defined as a person who is a descendant of an Indigenous inhabitant of Australia, identifies as an Aboriginal person or a Torres Strait Islander and is recognised as such by the community in which the person lives. Staff should not assume that people are Indigenous because of their appearance or because of the nature of their work or their support for an Indigenous cause.
- 11.11.2** Under the Charter, the ABC must reflect the cultural diversity of Australian society, which includes presenting content by, for and about Indigenous Australians. The ABC produces, commissions and purchases such material for broadcast and publication online. The ABC provides employment equity to Indigenous Australians. The ABC has a responsibility to reflect, to the wider community, issues and developments affecting Indigenous Australians.
- 11.11.3** Staff should seek advice and involvement from relevant Indigenous sources where appropriate. Staff in the Indigenous Programs Unit can be consulted on these matters.
- 11.11.4** Significant cultural practices of Indigenous Australians should be observed in content and reporting. Bereavement practices of Indigenous Australians vary in different regions and often include sensitivity to seeing or hearing the image, voice or name of the deceased. Staff should verify and, where appropriate, observe local practices. Where footage, images or sound recordings of deceased

Indigenous Australians are used, suitable warnings should be given at the beginning of the content. If the name of the deceased is not being used in order to meet local cultural practices, the audience should be informed of this.

- 11.11.5** Some words and phrases, written and spoken, may offend Indigenous Australians. Advice should be sought before using regional terms such as *Koori*, *Nunga*, *Yolngu*, *Murri* and so on, and on the use of the word 'black' in various contexts. Aboriginal/Aborigine is the most accepted term when reporting to a national audience. However, the use of the word 'Indigenous' in a national sense can be used for 'Aboriginal or Torres Strait Islander' or either group singularly. 'Aborigine' is generally accepted as the noun, and 'Aboriginal' as the adjective. When written, Aboriginal/Aborigine and Indigenous should always be dignified with a capital 'A' or 'I' and Aboriginal should never be abbreviated. Torres Strait Islander should be used in full and not shortened to 'TSI'.

11.12 Religious content

- 11.12.1** The ABC broadcasts and publishes Australia's most comprehensive range of content dealing with religion. Its religious content includes coverage of worship and devotion, explanation, analysis, debate and reports. Religion includes major religious traditions, indigenous religions and new and innovative spiritual movements, as well as secular perspectives on religious issues.

- 11.12.2** The ABC aims to explore religious life and developments in religion. It does not promote any particular belief system or form of religious expression.

11.13 Content for children

- 11.13.1** The ABC presents content for children of all ages. Material for young audiences is extensive and designed to reach different target groups in accordance with their needs, age and level of maturity.
- 11.13.2** Special care should be taken to ensure that content which children are likely to watch or access unsupervised should not be harmful or disturbing to children.
- 11.13.3** Images of domestic violence and violence against children or animals may be particularly upsetting for children. Where violence is part of a story, and children can make sense of the action, it is less likely to upset them.
- 11.13.4** Special care should be taken to avoid stereotypes and discrimination in programs designed for children.

11.13.5 In providing enjoyable and enriching content for children, the ABC does not wish to conceal the real world from them. It can be important for the media, especially television, to help children understand and deal with situations which may include violence and danger. Children's content should be relevant to children, rather than imposing adult concerns and expectations about children's behavioural standards.

11.14 Use of children in ABC content

11.14.1 Children can be involved in ABC content in a number of ways: as actors, interviewees, participants or subjects and even as content makers themselves.

11.14.2 In general the consent of a parent or legal guardian should be sought before involving a child in ABC broadcast content. In the case of very young children or when the subject matter is sensitive, consent is essential. If children are to take part in content-making during school hours, consent is also necessary from the school authorities.

11.14.3 A child's own consent should also be sought. If a child refuses to take part, this decision should not be overridden.

11.14.4 Where parental or guardian consent has been refused and the item is of sufficient public importance or the child's appearance is absolutely necessary, the matter should be referred upwards before taking any decision to go ahead.

11.14.5 The ABC recommends that children's access to material on the internet is supervised by adults. ABC Online also advises parents and carers to supervise and approve their children's contributions to ABC Online. Staff producing online content which is likely to appeal mainly to children should ensure that the material, including links, is appropriate for the target audience (see also Privacy, 11.9 and Linking, Section 18).

11.15 Accessibility

11.15.1 **Closed captioning on domestic television services for people who are hearing impaired or deaf.**

(a) Closed caption content will be clearly marked when program information is provided to the media or when captioned programming is promoted.

Where possible, open captioned advice will be provided if technical problems prevent scheduled closed captioning.

(b) Television programs broadcast in prime time (between 6pm and 10.30pm) and news and current affairs programs broadcast at any time is captioned in accordance with the *Broadcasting Services Act 1992*. Addresses to the nation and events of national significance will be transmitted with closed captioning.

11.15.2 Accessible domestic television services for people who are blind, have a visual impairment or limited reading comprehension. The ABC aims to make its television services accessible to audience members who are blind or have a visual impairment or limited reading comprehension. This means that the ABC will endeavour to ensure that material provided in text format on the screen will also be provided in audio. It should however be recognised that it will not always be possible to achieve this while maintaining standards of creativity, editorial integrity and immediacy. There may also be cases where time or resources limit the ABC's ability to provide this service.

11.15.3 ABC Online. The ABC aims to make its online services accessible to audience members who are blind or have a visual impairment. It should, however, be recognised that it will not always be possible to achieve this while maintaining standards of creativity, editorial integrity and immediacy. There may also be cases where time or resources limit the ABC's ability to provide this service.

11.16 Supplied content

11.16.1 The ABC sometimes receives completed content (such as community services announcements, and music video clips) which is submitted for consideration without payment. Such material is subject to the following editorial requirements. The ABC will not broadcast or publish any content that:

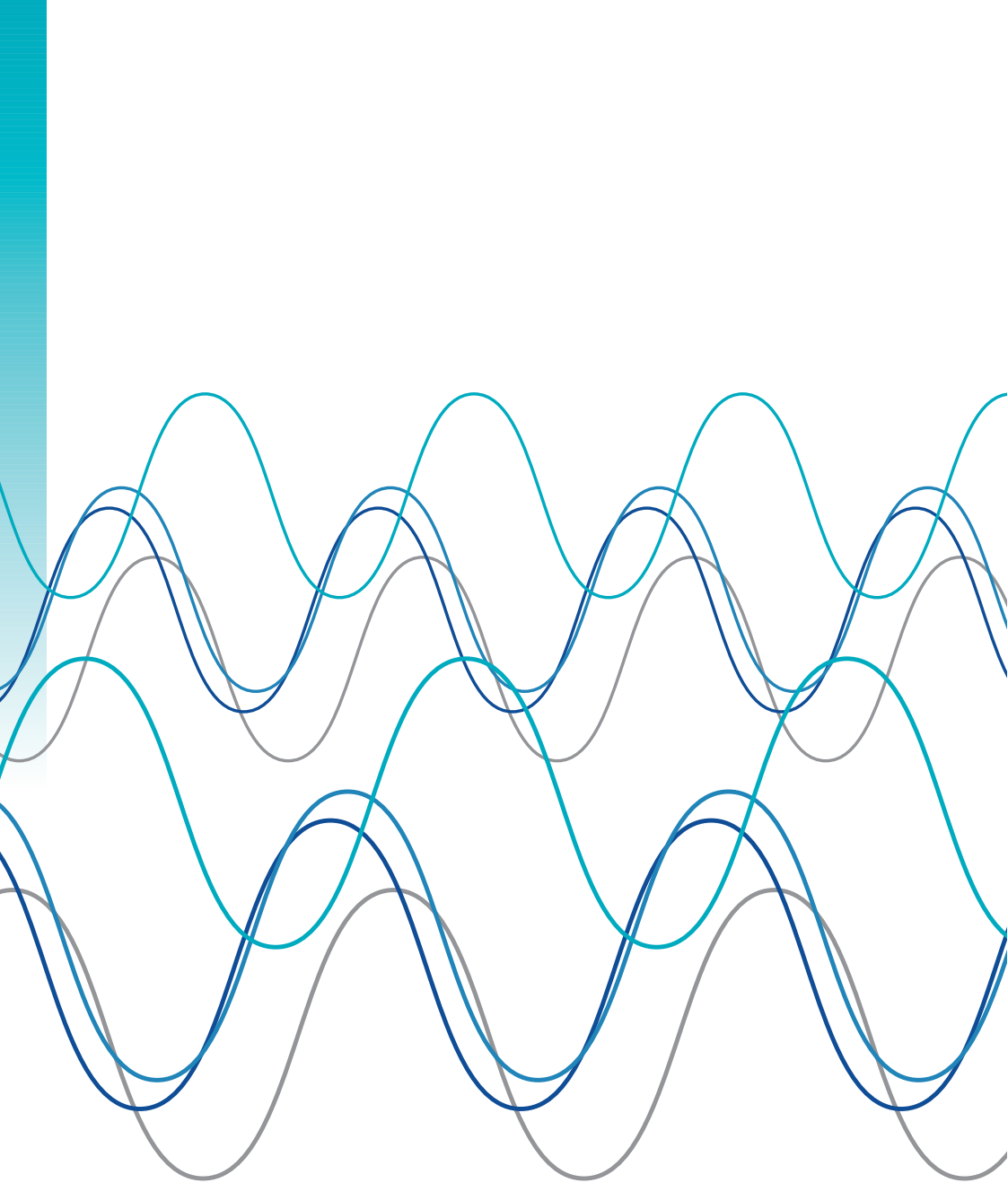
- (a) Compromises or could be perceived as compromising the ABC's independence
- (b) Expresses opinions by vested interests or pressure groups
- (c) Directly promotes or comments upon political, religious, social or economic issues
- (d) Takes a position on any contentious issue
- (e) Refers to a commercial sponsor
- (f) Is in the form of an advertisement
- (g) Does not comply with the ABC's Editorial Policies.

11.16.2 See also Section 14.

11.16.3 Section 11.16.1 does not apply to User-generated content (Section 9).

11.17 Right of reply

11.17.1 The ABC will advise anyone who requests a right of reply in relation to ABC content of the avenues available to that person. A person exercising a right of reply will not be excluded from making a complaint about the content in question (see Section 13). The decisions about right of reply are vested in the editorial team of the content in question. Refer upwards if in doubt.



12 political and election broadcasts

12. Political and election broadcasts

- 12.1 The ABC and political broadcasts
- 12.2 Election broadcasts and election coverage
- 12.3 Content of election broadcasts
- 12.4 Addresses to the nation by the Prime Minister



12 Political and election broadcasts

12.1 The ABC and political broadcasts

12.1.1 Section 79A of the ABC Act covers this matter in some detail. (See Appendix 1.)

12.1.2 The Corporation is specifically empowered under its provisions to determine to what extent and in what manner political matter will be made available.

12.1.3 For the proper functioning of representative government in a democracy, it is essential that the public are fully informed of the issues of current debate and of the position and policies of those parties competing for political office. There are some basic assumptions underlying this view:

- (a) The public is entitled to hear the principal points of view on all questions of importance
- (b) The right to hear alternative policies and points of view is inherent in the concepts of objective reporting and impartiality, which are part of the ABC's statutory duty
- (c) The full exchange of opinion is one of the safeguards of free institutions and of democracy itself.

12.1.4 If the ABC broadcasts or publishes political matter at the request of another person, the name and address of the person and political party authorising the political matter must be announced on radio, announced and displayed in print on television or provided in print on online. The name of every speaker in the address or statement must be similarly announced on radio, announced and displayed on television or published on online.

12.1.5 Section 79B of the ABC Act covers records of matters broadcast. (See Appendix 1.)

12.1.6 When broadcasting or publishing political matter at the request of another person, the ABC must keep a record of the name, address and occupation of the person, or if the person is a company, the name and address of the principal office of the person for a period of two years from the day on which the matter was broadcast or published. If required by written notice from ACMA, the ABC must give ACMA any particulars of that record.

12.1.7 Audio and video recordings shall be kept of all matter broadcast relating to a political subject or current affairs, in the form of news, an address, a statement, a commentary or a discussion, for a period of six weeks from the date of its broadcast, or 70 days from the date of any complaint about the matter broadcast.

12.2 Election broadcasts and election coverage

12.2.1 The Corporation reserves the right to grant or withhold free broadcast time to political parties, including those not currently represented in the Parliament concerned, on the basis of the measure of demonstrated public support for the party.

12.2.2 The Government and the official Opposition in an outgoing Federal or State Parliament or Territory Assembly are granted equal time by the ABC for election broadcasts within the relevant jurisdiction during election campaigns conducted for those parliaments or assemblies. When political parties are in coalition, either as Government or as the official Opposition, the ABC will provide an equal allocation of time to the Government and to the official Opposition, leaving it to those parties which are in coalition to divide the time between them as they see fit.

12.2.3 The ABC establishes, for each election, an Election Coverage Review Committee. This Committee does not direct coverage of elections on a day-to-day basis, but monitors and reviews the Corporation's performance, balance and fairness in accordance with the ABC's Principles of editorial practice for news and current affairs content (see 5.2) and Code of Practice (see Appendix 3).

12.2.4 For each election the parties concerned are issued with a detailed guide which outlines the allocation of free time on radio and television, conditions for broadcasting, captioning requirements, ABC technical standards to be observed, copyright clearance requirements and other necessary information.

12.3 Content of election broadcasts

12.3.1 Experience of parliamentary and general political debate indicates that political issues will, at times, inevitably become involved with personal issues.

12.3.2 The ABC recognises that no hard and fast rules can be devised to draw the line between what is political and what is personal. The Parliamentary Proceedings Broadcasting Act 1946 extends to the ABC privilege against actions for defamation arising from direct broadcasting of Parliament. Fair and accurate reports of Parliament are also protected. The ABC, however, is obliged to exercise care particularly during election campaigns in the transmission of political matter which is not said in Parliament. In television, this obligation extends to visual as well as oral content. Additionally the ABC, as an independent statutory body, has an inherent responsibility to ensure that it acts in accordance with principles of fairness and objectivity in its election coverage.

12.3.3 The ABC is loath to impose restrictions on speakers at election periods. However, the ABC must ensure that the national broadcasting service is not used as a medium for personal attack as distinguished from criticism of a party and its policies. The ABC has a responsibility to ensure that material which, in the opinion of the ABC or its officers, is of a defamatory nature, is not broadcast. The ABC reserves the right to expunge any such material submitted by parties for broadcasting in the time allotted to them by the ABC.

12.3.4 The material provided by the parties for use in pre-election broadcasts allocated by the ABC must be in the form of a political comment or statement only and must not be in the nature of an advertisement. The ABC reserves the right, at its discretion, to refrain from broadcasting any material which it considers may constitute an advertisement.

12.4 Addresses to the nation by the Prime Minister

12.4.1 The Prime Minister may wish, from time to time, to broadcast an address to the nation on a matter of national interest. A request by the Prime Minister for access to ABC Radio and Television facilities, stating the subject of the address, should be forwarded to the Chair of the ABC Board or Managing Director through the Minister for Communications, Information Technology and the Arts, so that the ABC Board may discuss the matter if time permits.

12.4.2 At the time of the request, the Prime Minister's office should be made aware that if the request is agreed to, the ABC Board reserves the right to offer the Leader of the Opposition time for reply under comparable conditions. However, the Board takes the view that it would not be obliged to offer time for reply to the Leader of the Opposition if, in the opinion of the Board, a broadcast by the Prime Minister is not of a party political nature.

12.4.3 If the Prime Minister's request is agreed to, and in the opinion of the Board the Leader of the Opposition should be offered time for reply, the Leader of the Opposition should be informed of this without delay. A request for time for reply must be received by the ABC no later than three days after the broadcast by the Prime Minister and if agreed to, the reply must be transmitted within one week of the Prime Minister's broadcast. Time for reply will be given only to the Leader of the Opposition in the Australian Parliament or, in the absence of the Leader overseas or because of ill-health, to the Acting Leader of the Opposition.

13. Program and content complaints

- 13.1 Introduction
- 13.2 Legislative responsibilities
- 13.3 General principles for dealing with complaints
- 13.4 Telephone complaints
- 13.5 Written complaints (including email) alleging breaches of ABC Editorial Policies or Code of Practice
- 13.6 Other written complaints (including email)
- 13.7 The ABC and the Independent Complaints Review Panel (ICRP)
- 13.8 The ABC and the Australian Communications and Media Authority (ACMA)
- 13.9 Reporting complaint outcomes
- 13.10 Termination of correspondence
- 13.11 External access to contentious program material



13 Program and content complaints

13.1 Introduction

13.1.1 The ABC is responsible for the quality and standards of all content on its services. This includes content produced by the ABC exclusively, co-productions with other individual producers or production companies, audience contributions, all material commissioned by the Corporation and all material acquired by the Corporation.

13.1.2 With so much content being provided each day, from time to time errors may occur. The ABC aims to ensure that they happen as rarely as possible. However, should they occur, the ABC accepts responsibility and will respond promptly and appropriately.

13.1.3 The ABC welcomes complaints and other comments from audience members. Information about the ABC's procedures for investigating and responding to complaints is made available on ABC Television, Radio and Online.

13.1.4 **Guest books and forums:** Comments about ABC content made in online and other interactive services are content contributions and will not be treated as complaints.

13.2 Legislative responsibilities

13.2.1 Section 150 of the *Broadcasting Services Act 1992* (BSA) requires that complaints relating to compliance with the ABC's Code of Practice should be made in the first instance to the ABC.

13.2.2 The BSA requires that all complaints relating to Code of Practice matters receive adequate responses within 60 days. Failure to do so may result in an Australian Communications and Media Authority (ACMA) finding that the ABC has breached its Code of Practice.

13.2.3 The BSA does not distinguish between written and telephone complaints, so it is possible that an oral complaint could give rise to an investigation by ACMA.

13.2.4 **Copies of programs:** The ABC Act requires that a copy of any broadcast program relating to a political subject or current affairs must be kept for a period of:

- (a) six weeks from the date of broadcast, or
- (b) if a complaint has been made about the broadcast, for 70 days from the date on which the complaint was made.

- 13.2.5** People who complain later than six weeks after broadcast of a program cannot expect that a copy will necessarily be available. Where there is a need to copy and retain a program for 70 days, particularly in relation to a complaint about bias or lack of balance or unfair treatment, it may be appropriate to retain copies of other relevant programs.

13.3 General principles for dealing with complaints

Time-frames

- 13.3.1** The ABC seeks to deal with complaints as quickly as possible, and aims to respond to all complaints within 28 days of receipt. If a considered response cannot be provided quickly, an acknowledgment will be sent.
- 13.3.2** The ABC is not required to respond to complaints received more than six months after the broadcast to which they refer.

Role of presenters, producers and journalists

- 13.3.3** Presenters, producers or journalists will not reply directly to written complaints but will contribute to draft replies as requested by supervisors or managers.

General referral processes

- 13.3.4** Complaints by Members of Parliament or community, religious or business leaders or groups should be referred directly to the Head of Audience and Consumer Affairs.
- 13.3.5** Where approaches from the public raise any suggestion of legal action, they are to be referred upward, and then to ABC Legal Services.
- 13.3.6** Complaints about television and radio reception can be referred to the Reception Advice Line. The telephone number for the public is 133 13 9994 (local call rate) and internal transfers 82 3090 or 82 3056. Email enquiries can be forwarded to receptionadvice@abc.net.au.

Confidentiality

- 13.3.7** The ABC is conscious that audience members with genuine complaints may be disinclined to raise their concerns if confidentiality is unable to be guaranteed. For this reason, the ABC is committed to respecting the confidentiality of complaints and protecting the identity of complainants as is permitted by law. However, in cases where a complaint is a matter of public record, the ABC may also elect to make its response to the complaint publicly available.
- 13.3.8** While respecting the confidentiality of the complaints process, the ABC is also committed to accountability and transparency in the way that it deals with complaints about its content and services and may publish general information about the complaints it receives and the outcomes of particular investigations.

13.4 Telephone complaints

- 13.4.1** The ABC accepts that many people prefer the immediacy and informality of making a complaint by telephone. The ABC will generally seek to respond to telephone complaints on the spot or by return call.
- 13.4.2** Where a person simply wants their complaint noted, this will be done. If a response is required which cannot be provided by the person who answers the phone, the caller's name and contact details will be taken and advice given to the relevant area that a return call is required, or the caller is directly transferred to the content area.
- 13.4.3** Every effort should be made to resolve telephone complaints during the initial call, or to arrange for an appropriate person to call back.
- 13.4.4** In some circumstances, telephone callers wishing to make a complaint will be asked to put their complaint in writing. This is appropriate where the matter is complex, detailed or involves referring to several sources of information, or where a caller becomes abusive.
- 13.4.5** Where a telephone caller seeks a written response to a complaint, the caller will generally be asked to put the complaint in writing. If the caller has genuine difficulties in writing (for example, language, literacy, disability) or chooses not to put it in writing, alternative arrangements will be made to create a written record of the complaint.

13.5 Written complaints (including email) alleging breaches of ABC Editorial Policies or Code of Practice

Referral of matters to Audience and Consumer Affairs

- 13.5.1** Regardless of their point of entry to the ABC, all written program and content complaints alleging a breach of the Editorial Policies or Code of Practice will be investigated by Audience and Consumer Affairs. While these complaints may not necessarily be framed as a breach of the Editorial Policies or Code or Practice, they must be referred to Audience and Consumer Affairs. Other complaints may be handled directly by divisions (see 13.6).
- 13.5.2** Divisions receiving complaints alleging a breach of the Editorial Policies or Code of Practice must forward these promptly to Audience and Consumer Affairs. (Refer to divisional policy areas for process of referral.)

Audience and Consumer Affairs investigation process

- 13.5.3** Audience and Consumer Affairs will refer the complaint to the relevant divisional representative or manager with editorial responsibility for the content, seeking comments on the issues raised. For internally produced content, comments are generally prepared by the executive producer, senior producer, editor, program manager or program director in discussion with the relevant staff.
- 13.5.4** Preparing these comments may involve a review of the content (tape or transcript), or further research and checking of the original information, depending on the nature of the complaint.
- 13.5.5** Depending on the complaint, the Audience and Consumer Affairs investigation may involve simply reviewing the complaint and proposed response and judging its reasonableness. In other cases the investigation may require review of tapes and/or transcripts and/or discussions with relevant staff.
- 13.5.6** Audience and Consumer Affairs staff are to be given ready access to all material which is relevant to the investigation of a complaint. Editorial staff will not be obliged to disclose confidential sources to Audience and Consumer Affairs.
- 13.5.7** If a written complaint relates to a matter covered by the ABC Code of Practice or contains an allegation of a serious case of factual inaccuracy, bias, lack of balance or unfair treatment arising from an ABC broadcast(s) or publication(s), the ABC's response to the complainant will enclose a copy of the ABC Code of Practice. Email complainants will be referred to the Code of Practice on the ABC's website.
- 13.5.8** If a complainant who has received a response from Audience and Consumer Affairs expresses dissatisfaction with the response, the complainant will be advised that review of the finding can be sought from the Complaints Review Executive (CRE), the Independent Complaints Review Panel (ICRP) and/or the Australian Communications and Media Authority (ACMA).

Role of the Complaints Review Executive (CRE)

- 13.5.9** The Complaints Review Executive (CRE) is a senior manager with editorial experience who is separate from Audience and Consumer Affairs and content areas.
- 13.5.10** In cases where Audience and Consumer Affairs and the relevant manager are unable to reach agreement on a response to a complaint, the issue will be referred upwards to the Director of Corporate Strategy and Communications and the relevant director. In the event that agreement is still unable to be reached, the issue will be referred by either of the directors to the CRE.

13.5.11 If a complainant is dissatisfied with a response from Audience and Consumer Affairs, the complainant can ask the CRE to undertake a review of the finding.

13.5.12 In exceptional circumstances, it may be appropriate for the Chairman, Managing Director or Director of Corporate Strategy and Communications to direct a complaint to the CRE for assessment in the first instance. In any investigations arising from such referrals, comments will be sought from relevant divisions.

Record keeping

13.5.13 Audience and Consumer Affairs and the CRE will keep a record of each investigation they undertake in accordance with the Corporation's Record Disposal Authority.

13.6 Other written complaints (including email)

13.6.1 Complaints that do not relate to alleged breaches of the Editorial Policies or Code of Practice may be received directly by program and content areas, or forwarded to relevant division(s) by Audience and Consumer Affairs for direct reply. All complaints referred to a division by Audience and Consumer Affairs must be seen by the responsible editorial line manager.

13.6.2 The provisions set out in 13.3 apply to these complaints and direct response from relevant editorial managers is appropriate. Audience and Consumer Affairs may also respond to these complaints on behalf of divisions, as agreed in particular circumstances.

13.6.3 Complaints that do not relate to alleged breaches of the Editorial Policies or Code of Practice, but which require significant input from more than one division, will be coordinated by Audience and Consumer Affairs. Audience and Consumer Affairs will obtain draft comments from the areas concerned and prepare a final response.

13.7 The ABC and the Independent Complaints Review Panel (ICRP)

13.7.1 The ABC Board has established an Independent Complaints Review Panel (ICRP) to review written complaints relating to allegations of serious cases of factual inaccuracy, bias, lack of balance or unfair treatment arising from ABC content. It is the subject of the complaint, rather than the content type or delivery mechanism used for that content, which, in parallel with the requirements set out below, establishes the ICRP's jurisdiction.

Referral of complaints to the ICRP

- 13.7.2** A complaint of this nature may only be referred to the Panel for review:
- (a) once the ABC's normal complaints handling procedures have been completed (noting that these procedures will normally take no longer than four weeks), and
 - (b) for broadcast matters, if the complaint was lodged with the ABC within six weeks of the date of broadcast (six weeks being the statutory period for the retention of broadcast tapes).
- 13.7.3** Complaints must be submitted in writing, either by letter, fax, email or via webform.
- 13.7.4** Subject to the procedures described below, the criteria for initiating a review are that either the Managing Director or the ICRP, as the case may be, is of the opinion that the complaint:
- (a) alleges a sufficiently serious case of factual inaccuracy, bias, lack of balance or unfair treatment to warrant independent review, or
 - (b) the Managing Director is of the opinion that the issue is a matter of public notoriety which warrants such review.

Referral by the Managing Director

- 13.7.5** The Managing Director may require the ICRP Convenor to initiate an independent review after the ABC's normal complaints handling procedures have been completed and following consultation by the Managing Director with the relevant director.

Referral by a complainant

- 13.7.6** In order to consider a complaint for review, the ICRP must be satisfied that:
- (a) the complainant is dissatisfied with the ABC's response to the complaint or
 - (b) the ABC has not responded to the complaint within the normal period of four weeks referred to above.
- 13.7.7** In the latter case, the ICRP may only initiate a review if the ABC fails to provide an acceptable reason for the delay.
- 13.7.8** Upon receipt of a request for review, the Convenor will make a preliminary assessment for the purposes of recommending to the ICRP whether or not the complaint should be accepted for review. A final decision about whether to accept the complaint for review will be made by the full ICRP or, in circumstances where one of the panellists is unavailable, the Convenor and one other panellist.

- 13.7.9** In deciding whether or not to accept a matter for review, the ICRP will have regard to the particular role played by the Panel in providing an important means of review for ABC audiences who are dissatisfied with the ABC's response to their complaint, as well as the relevant sections of the ABC Editorial Policies. In any case where the ICRP declines to accept a complaint for review, the Convenor will write to the complainant setting out the Panel's reasons for this decision.
- 13.7.10** Where a complaint is accepted by the ICRP, the complainant will be asked by the ICRP not to seek an investigation of the complaint by ACMA until after considering the report of the ICRP. It would be a waste of resources for both organisations to run concurrent examinations of the same complaint.

Review procedures

- 13.7.11** The ICRP will provide the ABC with copies of the complainant's correspondence, setting out the basis of the complainant's dissatisfaction with the ABC's response and/or the initial broadcast/s or publication(s). This correspondence should be provided when the ICRP accepts a complaint for review, or, if the ICRP needs to make preliminary inquiries of the ABC, to assist it in determining whether to accept a complaint or not, at this earlier stage.
- 13.7.12** Regardless of whether preliminary enquiries are made, once the ICRP has accepted a complaint for review, it will notify the ABC's Head of Audience and Consumer Affairs, requesting a copy of the program or publication and written comments from the broadcaster within a specified period of time (generally no less than three weeks).
- 13.7.13** The Convenor will either personally conduct the review, or select a panellist who has no direct or indirect interest in the particular instance to conduct the review. There could be circumstances where more than one member of the Panel participates in conducting a review.
- 13.7.14** Reviews will be conducted entirely informally, without legal representation. The Convenor or selected panellist(s) will restrict the review to an investigation of the alleged factual inaccuracy, bias, lack of balance or unfair treatment in the broadcast or published matter which is the subject of complaint. The Convenor or panellist(s) will have regard to relevant sections of the *ABC Editorial Policies*. The Convenor and panellists will have the full assistance of the relevant ABC department(s) and staff. ABC staff will not be obliged to disclose confidential sources to the ICRP.

- 13.7.15** The Convenor or selected panellist(s) will consider the information before them, and may request further information from the ABC and/or the complainant, as the Convenor or panellists(s) see(s) fit. The Panel will consider all of this information and form a view about the merits of the complaint, and whether the program or publication contains one or more serious cases of factual inaccuracy, bias, lack of balance and/or unfair treatment constituting a breach or breaches of the ABC's Editorial Policies. In circumstances where not all members of the Panel are available, the Convenor and at least one panellist must have formed such a view before the Panel can proceed to make a report.
- 13.7.16** The Panel shall not make a report in respect of a review in which it sets out opinions that are, either expressly or impliedly, critical of the ABC, its staff or contractors, or the complainant(s) unless, before completing the review, the Panel has:
- (a) if the opinions relate to the ABC, its staff or contractors—afforded the Head of Audience and Consumer Affairs the opportunity to liaise with relevant staff and make such submissions to the Panel as he or she thinks fit; and
 - (b) if the opinions relate to the complainant(s)—afforded that person or those people the opportunity to make such submissions to the Panel as the complainant(s) thinks fit.
- 13.7.17** In providing the ABC and/or the complainant/s with this opportunity to make submissions, the Panel must provide the relevant party with sufficient details of the Panel's views and reasoning to enable an informed submission to be made by the relevant party or parties.
- 13.7.18** If the Panel receives a submission from the Head of Audience and Consumer Affairs and/or the complainant/s, the Panel will consider the submission before finalising its decision on the complaint at hand. The Panel will then prepare a report of its review, setting out relevant details and the Panel's reasons for its decisions. In cases where a complaint is upheld on review, the Panel may recommend an appropriate course of action for the ABC to take. Legal advice will be sought in relation to whether any part of the report should be edited before dissemination.
- 13.7.19** The Panel will be expected to complete its deliberations and issue a final report within 60 days of accepting a complaint for review, barring unforeseen or exceptional circumstances. However, where the Panel afford the ABC and/or the complainant(s) the opportunity to make submissions (as set out in clause 13.7.16), the Panel will seek to provide such an opportunity within 60 days of accepting a complaint for review, and then to complete its deliberations and issue a final report within a further 60 days, barring unforeseen or exceptional circumstances.

- 13.7.20** Once the Panel has finalised its report, the Convenor will send copies to the Managing Director as Editor-in-Chief and the complainant(s).
- 13.7.21** Upon receipt of the Panel's report, the Managing Director will consider the Panel's finding and any recommended course of action. However, the final decision on the implementation of that course of action would remain with the Managing Director.
- 13.7.22** The Managing Director will provide a copy of the report to the relevant director(s). A summary of the report will be provided to the ABC Board, and will be published on the ABC's website. In ordinary circumstances the complainant's identity will not be released publicly. However, where a complaint and the identity of the complainant is a matter of public record, the identity of the complainant may be disclosed.
- 13.7.23** A summary of the reviews conducted by the ICRP during the year will appear in the ABC's Annual Report.

13.8 The ABC and the Australian Communications and Media Authority (ACMA)

- 13.8.1** The ABC Board must develop codes of practice for its services and provide ACMA with a copy of the code and any changes made to it. The ABC Code of Practice is in Appendix 3.
- 13.8.2** If a complainant fails to receive a response from the ABC within 60 days or is not satisfied with the response received within that period, and the matter is covered by the relevant ABC Code of Practice, a complaint can be made to ACMA.
- 13.8.3** ACMA must investigate complaints addressed to it and covered by the ABC Code of Practice, except where complaints are frivolous, vexatious or not made in good faith.
- 13.8.4** Where ACMA finds that a complaint against the ABC is justified, ACMA may recommend the ABC comply with its Code or take other action, including broadcasting or publishing an apology or retraction.
- 13.8.5** If the ABC fails to act on an ACMA recommendation within 30 days in a way ACMA deems adequate, ACMA may give a written report to the Minister who must cause a copy of the report to be laid before both Houses of Parliament.

13.8.6 Complaints to ACMA about ABC Online: A person may complain to ACMA about ‘prohibited content’ or ‘potential prohibited content’ on ABC Online. ACMA must investigate such complaints.

13.9 Reporting complaint outcomes

13.9.1 The ABC recognises that transparency and accountability are important elements in maintaining public confidence in the complaints process. Accordingly, the ABC will regularly publish information about the complaints process, including summary details of complaints which have been upheld by Audience and Consumer Affairs.

13.9.2 Where the CRE, the ICRP or ACMA has reviewed a complaint about content and determined that a complaint is upheld, details of the findings of the review body will be made available via an appropriate link on the content’s website, wherever materially practicable.

13.10 Termination of correspondence

13.10.1 The ABC makes considerable efforts to provide an adequate response to complaints. In those cases where the complaint is frivolous, vexatious or not made in good faith or the complainant is vexatious or not acting in good faith, it may be appropriate to consider terminating correspondence.

13.10.2 Decisions to terminate correspondence on complaints or with complainants on this basis may be made only by the relevant director and the Head of Audience and Consumer Affairs, in consultation with one another.

13.10.3 If a decision is made to terminate correspondence, the Head of Audience and Consumer Affairs will write a letter to the complainant advising of the decision and stating the reasons it was made. A copy will be kept by the Head of Audience and Consumer Affairs and distributed to Content Directors, the Director of Corporate Strategy and Communications and the Head of Legal Services.

13.10.4 The ABC will also consider terminating correspondence with a complainant in cases where the ABC has clearly been unable to satisfy a complainant in relation to a particular matter, despite reasonable efforts having been made.

13.10.5 This can include an exchange of email correspondence when it is considered that a subject has been exhausted. In such cases, the correspondent should be advised that the ABC will not continue to engage in correspondence in relation to the matter.

13.10.6 In all such cases, ABC staff should be cognisant of the Code of Practice requirement to make a reasonable effort to provide an adequate response to complaints about Code of Practice matters. If unsure about the appropriateness of terminating correspondence in such circumstances, advice can be sought from the Head of Audience and Consumer Affairs.

13.10.7 In cases where correspondence is terminated in relation to a particular complaint, rather than with a complainant who is vexatious or not acting in good faith, correspondence about any new issue should be considered and a response provided.

13.11 External access to contentious program material

13.11.1 Contentious material is material in respect of which legal proceedings have been threatened or commenced against the ABC, its staff or agents, or against a third party. For non-contentious material, the ABC's licensing and supply provisions in 4.5.4 of the Editorial Policies apply.

13.11.2 The ABC's usual practice in respect to contentious content is to comply with Section 79B of the ABC Act (see Appendix 1) which requires the ABC to hold copies of its content which is in the form of news, an address, a statement, a commentary or a discussion and which relates to a political subject or current affairs for a minimum period of six weeks from the date of broadcast or, if a complaint is made, for 70 days from the date on which the complaint was made. This material may subsequently be required to be produced under subpoena or other formal process.

13.11.3 However, the ABC will provide access to third parties without requiring a subpoena in certain circumstances. In particular, access will be provided, at cost:

- (a) if a request for a copy of content is made by a person (including a firm or company) referred to in that content within six weeks of the broadcast or, if a complaint is made during that six week period, within 70 days from the date of the complaint, and the person describes the broadcast with enough detail to enable it to be readily identified (for example, by reference to the name and date of the material broadcast or the date, station and time of broadcast etc.); and asserts the need to consider whether the material may be actionable against the ABC, or
- (b) where there is an official investigation (such as a Royal Commission or a police investigation) into alleged wrongdoing; the person requesting the material asserts that it may assist the investigation; it is not practicable for that person to obtain a subpoena, search warrant or other compelling process; and the ABC considers that it would be in the public interest to provide access to the material.

14. Community service announcements and fundraising appeals

- 14.1 Community service announcements
- 14.2 [14.2 deleted 1 March 2009]
- 14.3 Participation in fundraising and charity appeals and activities



14 Community service announcements and fundraising appeals

14.1 Community service announcements

14.1.1 Community Service Announcements (CSAs) are valuable to the community and to charities and organisations which use them to provide information to the community. The ABC may broadcast CSAs on the basis that the information is in the public interest and is presented by the ABC as a public service. Decisions about broadcast of CSAs must be made with regard to the following policies.

14.1.2 **Pre-recorded CSAs.** Decisions about broadcast of pre-recorded CSAs prepared by organisations other than the ABC must be referred to the Director of Television, Head of Local Radio, Head of National Networks or Head of Content Commissioning and Editorial, New Media and Digital Services, as appropriate, and a record of the decision kept.

14.1.3 Decisions about broadcast of CSAs that have been recorded and prepared in-house by ABC Radio will be made by the relevant Local Radio Program Director or Network Manager, with upward referral to the relevant Local Radio Manager or Radio Head in cases of doubt, and a record of all announcements broadcast will be kept for seven months.

14.1.4 Decisions about the broadcast of CSAs on ABC Television for local state-based organisations may be referred to the relevant State or Territory Director(s) who will send a record of any decisions to the Director of Television.

14.1.5 Decisions about the broadcast of CSAs on ABC2 will be made by the Head of Content Commissioning and Editorial, New Media and Digital Services.

14.1.6 **The ABC will not broadcast any announcement that:**

- (a) compromises or could be perceived to compromise the ABC's independence
- (b) expresses opinions by vested interests or pressure groups
- (c) directly promotes or comments upon political, religious, social or economic issues
- (d) takes a position on any contentious issue
- (e) refers to a commercial sponsor
- (f) is in the form of an advertisement
- (g) does not comply with the ABC's Editorial Policies.

14.1.7 There can be no expectation that because a CSA has been broadcast on one occasion, it will be broadcast on a subsequent occasion.

14.1.8 The ABC usually prepares the announcement itself. However, sometimes requests to broadcast CSAs are accompanied by copy or pre-recorded material. This material must be checked and auditioned and may be used only if it complies with ABC Editorial Policies and meets ABC production standards.

14.1.9 Announcements from Federal, State/Territory or local government authorities can be broadcast only when they are clearly in the public interest and are of a non-political or non-partisan nature. Announcements from government departments or agencies are accepted by the ABC only with the clear understanding that they may be withdrawn in the event of an election being called.

14.2 [14.2 deleted 1 March 2009]

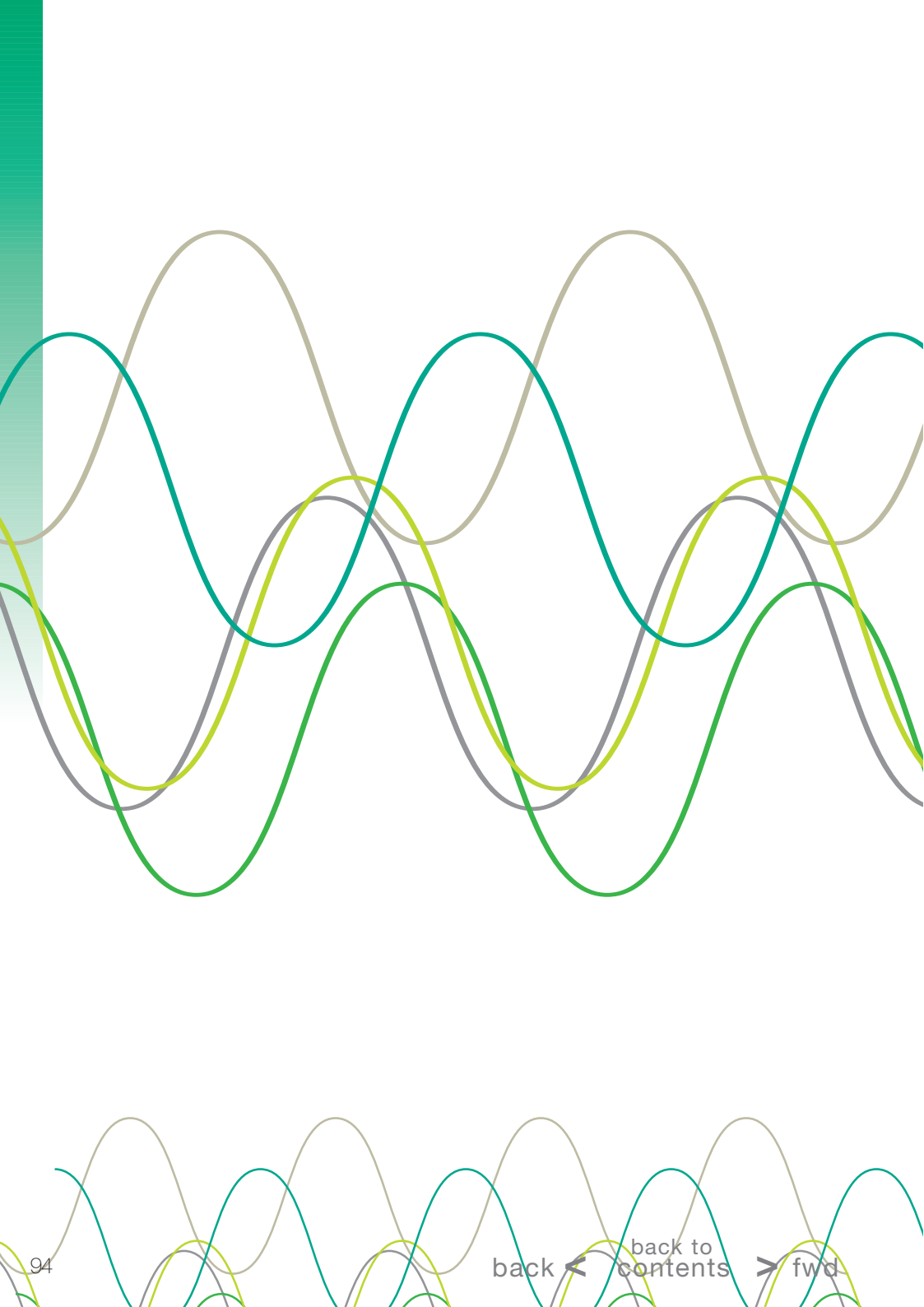
14.3 Participation in fundraising and charity appeals and activities

14.3.1 From time to time, the ABC may participate in fundraising and charity appeals and activities with charities and community organisations. Decisions about participation must be referred to directors who, in making the decision, should consider:

- (a) whether the ABC's independence could be compromised or seen to be compromised
- (b) whether it involves redirecting significant resources from public broadcasting
- (c) its relevance and value to the network or station and audience.

14.3.2 The ABC must retain complete editorial control and content freedom.

14.3.3 There can be no expectation that because the ABC participated in a particular appeal, it will do so on a subsequent occasion.



15 non-commercial content and external funding

15. Non-commercial content and external funding

- 15.1 Prohibition of advertising
- 15.2 Non-commercial content
- 15.3 External funding
- 15.4 Announcements about ABC activities



15 Non-commercial content and external funding

15.1 Prohibition of advertising

- 15.1.1** The ABC Act states that the Corporation shall not broadcast advertisements (Section 31(1)—see Appendix 1). This does not apply to the Corporation's international television service and its associated audio channels.
- 15.1.2** The ABC will not accept advertising or sponsorship for web sites operated by it as part of ABC Online (abc.net.au).
- 15.1.3** These provisions do not apply to web sites operated by Australia Network. These web sites shall not use the same name or internet address as ABC Online.
- 15.1.4** The ABC Act allows the Corporation to broadcast announcements about ABC activities (Section 31 (2)—see Appendix 1). Announcements about ABC activities are dealt with in 15.4.

15.2 Non-commercial content

- 15.2.1** The ABC is conscious that its audiences value the ABC's role as a non-commercial broadcaster and its non-commercial style.
- 15.2.2** The ABC Act contains a number of provisions designed to maintain the ABC's national broadcasting services as non-commercial, while at the same time allowing the ABC to attract revenue under certain circumstances. For example it:
- (a) acknowledges that the ABC, as a statutory corporation is directly funded by Parliament
 - (b) prohibits the broadcasting of advertisements (except in the case of the Corporation's international television service and its associated audio channels)
 - (c) carefully controls the ABC's right to use external funds in the production of content broadcast by the ABC
 - (d) allows the ABC to participate in subscription broadcasting and subscription and open narrowcasting, either as part of or separate from the national broadcasting service
 - (e) allows the Corporation to produce literary material, films, recordings or other articles associated with ABC content and raise revenue from these activities (ABC Act Section 29—see Appendix 1).

15.3 External funding

- 15.3.1** Section 25 (5) of the Act controls the ABC's right to use external funds. (See Appendix 1). The ABC Board, in ensuring these provisions are observed, requires that strict scrutiny be applied to any proposals involving external funding of content broadcast by the ABC.
- 15.3.2** The ABC is permitted to accept direct external funding from public sources. The production of content by independent producers or under co-production agreements regularly involves funding from the public sector, overseas broadcasters and other permitted sources (see below).
- 15.3.3** The ABC will maintain complete independence in content decisions, ensure editorial and quality control and comply with the statutory prohibition against direct private funding to broadcast services (other than the Corporation's international television service and its associated audio channels).
- 15.3.4** **Public external funding:** The ABC is expressly permitted by Section 25(5)(a) of the ABC Act (see Appendix 1) to receive funds from the Commonwealth, State or Territory Governments or their authorities for the production and broadcast of particular programs or announcements. Such specific assistance is often essential for producing informative material about community services, citizens' rights and for educational purposes. The ABC will not accept government funds earmarked for content or material on conditions which infringe or appear to infringe the editorial independence or integrity of the ABC. Nor will it accept funds for content which is or appears to be party political.
- 15.3.5** **Co-production and independent production funding:** The ABC is expressly permitted by Section 25(5)(b) of the ABC Act (see Appendix 1) to enter into funding arrangements for co-productions with bona fide producers of content, films, sound recordings, concerts and public entertainments (including sporting events).
- 15.3.6** The ABC will not accept funds from such sources where it is likely that the editorial independence or integrity of the ABC would be affected.
- 15.3.7** Co-producers of television or radio content may obtain external funding towards their share of the production or event staging costs, even though the ABC itself is not permitted to accept such funding. Details of all funding sources must be obtained from co-producers. All such cases must be referred to the Director of Television or Director of Radio or Director of New Media and Digital Services, as appropriate, for approval (see 15.3.18).

15.3.8 Similarly, in the case of television or radio content which the ABC pre-purchases, independent producers may obtain external funding. Details of all funding sources must be obtained and all such cases must be referred to the Director of Television, Director of Radio, Director of New Media and Digital Services, Head of National Coverage News and Current Affairs or Head of Local Coverage News and Current Affairs for approval (see 15.3.18). These specified directors or heads have a duty to review any proposal where:

- (a) the Commonwealth, State or Territory, or
 - (b) a Commonwealth, State or Territory authority, public sector trading agency, or
 - (c) a private investor of a co producer/independent producer
- has an interest in the subject matter of any content. (See 15.3.18.)

15.3.9 The specified directors or heads must reject any proposal where an independent producer of factual, topical or documentary content is financed by a private investor or a public sector trading agency which has a commercial interest in the subject matter of that content.

15.3.10 **International co-production funding of weekly and special current affairs television programs:** The Board recognises that in some circumstances, international co-production arrangements may provide an opportunity for the ABC to cover a particular international story.

15.3.11 In the case of weekly and special current affairs television programs, the Board has determined that international funding arrangements are permitted with other broadcasters, bona fide producers of current affairs broadcasting programs or statutory national funding bodies involved in the production of broadcasting programs.

15.3.12 Co-production arrangements with domestic co-production partners are not permitted for any current affairs programs.

15.3.13 In this context, to be acceptable co-production partners, broadcasters and bona fide producers of current affairs broadcasting programs must have demonstrated current affairs editorial policies which are in line with the ABC's principles of editorial practice for news and current affairs content as set out in 5.2.

15.3.14 Every such proposal must be referred to the Director of News and Current Affairs for approval and a record kept of the reasons for approval or rejection of the co-production. Co-production partners must declare details of all other partners and funding sources and the ABC must ensure that they do not accept funding from sources or involve third parties other than broadcasters, bona fide producers of current affairs broadcasting programs or national funding bodies involved in the production of broadcasting programs.

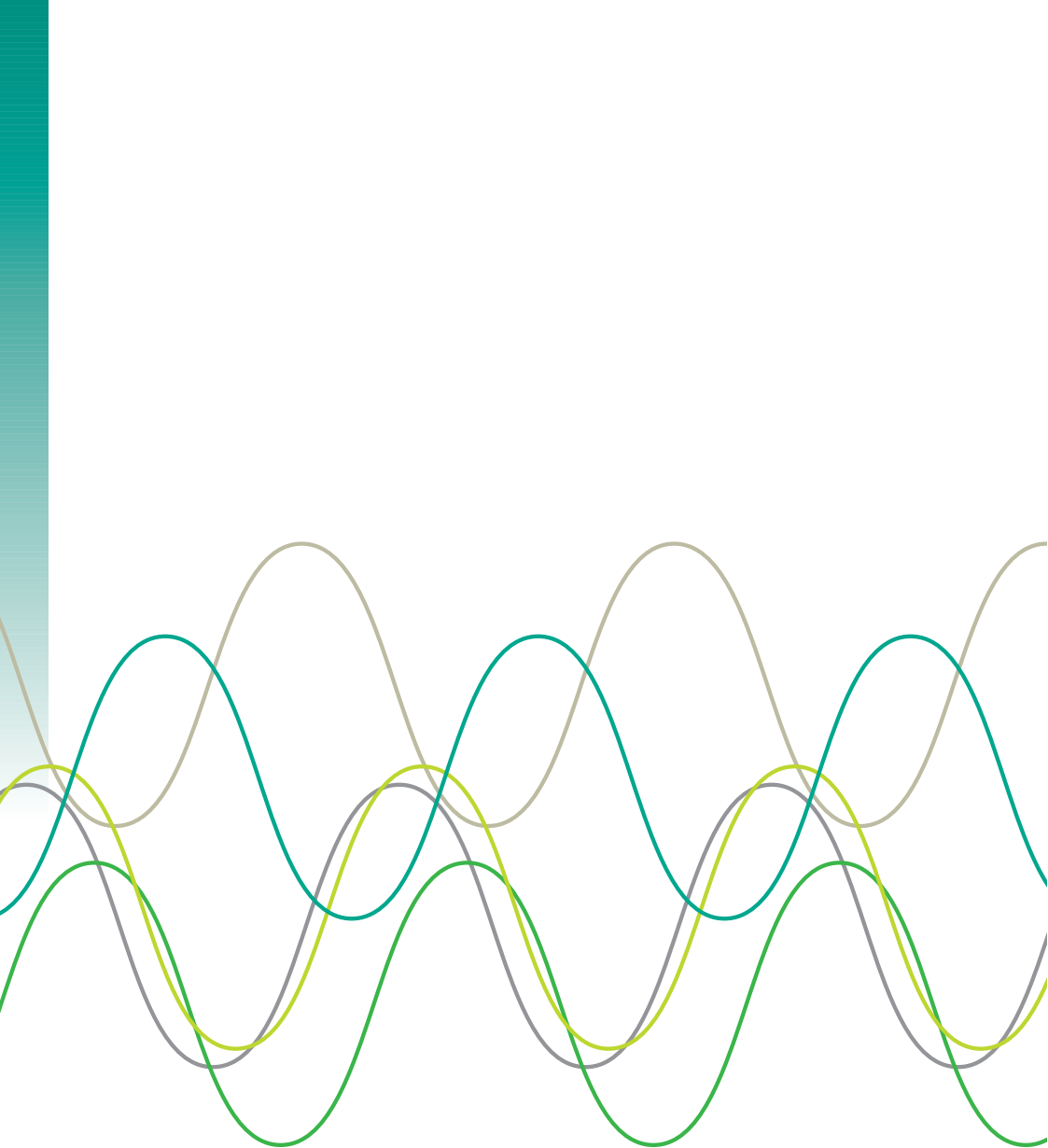
- 15.3.15** Any proposal where the ABC's independence and integrity are not fully protected must be rejected. In making a decision the issues outlined in 15.3.18 must be considered. The ABC must maintain complete editorial control over what it broadcasts.
- 15.3.16 External funding and ABC Online and new media services:** The guidelines on external funding for ABC Online and new media services are similar to those for radio and television. The ABC is able to accept external funding from Commonwealth, State or Territory Governments or their authorities for production activities related to ABC Online and new media services provided that such acceptance does not infringe or appear to infringe the editorial independence of the ABC.
- 15.3.17** The ABC is able to enter into co-production arrangements with producers of content, events or activities for publication on the internet or via new media services. In contrast to the television and radio production industries, there is a larger and more diverse range of potential co-production partners. These include many companies and organisations that have not traditionally assumed active roles as producers of content. Careful judgement must be exercised by the ABC to ensure that appropriate editorial control is maintained in these circumstances. In deciding whether to accept or reject a co-production proposal, the process set out in 15.3.18 must be followed.
- 15.3.18 Review of external funding proposals:** In deciding whether to accept or reject external funding proposals, the Director of Television, Director of Radio, Director of New Media and Digital Services, Director of News and Current Affairs, Head of National Coverage News and Current Affairs or Head of Local Coverage News and Current Affairs (specified directors and heads) should consider issues such as the following:
- (a) Is the ABC able to accept funds from this outside organisation? (See 15.3.4 and 15.3.5.)
 - (b) Is the funder's interest in the subject matter direct or indirect?
 - (c) Is the content something which the ABC would consider producing or broadcasting without external funding?
 - (d) Will the scheduling or subject matter of the content be influenced by the external funding source? Could there reasonably be a perception of influence?
 - (e) Although the ABC may have complete editorial control, will the subject matter or presentation of the content be perceived as advertising for an external funder?
 - (f) Is the ABC's integrity likely to be affected by the funding organisation's or independent producer's promotional activities such as fact sheets, educational kits, publications, telephone/facsimile/online numbers and addresses, public events or otherwise?

- 15.3.19** The specified directors and heads must reject any proposal where the ABC's independence, integrity or editorial control are not fully protected. A record of the reasons for the acceptance or rejection of all proposals will be kept.
- 15.3.20** While the specified directors and heads have editorial responsibility for deciding whether or not to accept external funding proposals, the relevant State or Territory Director will be informed in cases where a funding proposal involves a State or Territory government, authority or public sector trading agency, and consultation may be required.

15.4 Announcements about ABC activities

- 15.4.1** Section 31 (2) of the ABC Act (see Appendix 1) permits the ABC to broadcast announcements relating to any of its activities including ABC programs, concerts, other public entertainments and services and the range of ABC Enterprises product and activities.
- 15.4.2** The ABC is conscious that its audiences value the ABC's role as a non-commercial broadcaster and its non-commercial style. To that end, the ABC will ensure that announcements about ABC activities are produced, scheduled and broadcast or published in a style consistent with the tone and approach of the ABC's various content strands. ABC program promotions should not misrepresent original content and should be scheduled so as to be consistent with the nature of the surrounding content.
- 15.4.3** Broadcast announcements relating to ABC Enterprises products or activities may identify a specific product or be generic in nature. Only products or activities that bear an ABC logo or trademark or are directly related to ABC content may be the subject of specific broadcast announcements. All other ABC Enterprises products or activities may be the subject of generic broadcast announcements only.
- 15.4.4** No announcements relating to any Enterprises activity will be broadcast in the breaks immediately before, during or immediately after blocks of programs designed for preschool children.
- 15.4.5** No announcement relating to any Enterprises product or activity will be broadcast:
- (a)** within a program produced by the News and Current Affairs Division or between consecutive programs produced by the News and Current Affairs Division
 - (b)** within any Television program.

- 15.4.6** Announcements about activities which result in financial benefit to the presenter may not be broadcast within that presenter's regular program. Also see 16.9 which prohibits presenters from on-air endorsement of any commercial organisation, product or service.
- 15.4.7** ABC Online may use techniques such as highlight boxes, banners, buttons and links as online announcements to promote ABC activities. Care must be taken to ensure that their tone and style are appropriate to the site.
- 15.4.8** Online announcements relating to ABC Enterprises products or activities may identify specific products or activities or be generic in nature. Only products or activities that bear an ABC logo or other ABC registered trademark or are directly related to ABC programming may be the subject of specific announcements. All other Enterprises products or activities may be the subject of generic online announcements only. This policy does not apply to announcements on ABC Shop Online.
- 15.4.9** There should not be online announcements for any ABC Enterprises activity or product appearing in web pages designed for children aged ten years and under.
- 15.4.10** There should not be online announcements for any ABC Enterprises activity or product on News and Current Affairs Division web pages apart from links to Content Sales relating to News and Current Affairs content. This does not prevent the use of generic, static links or buttons to ABC Shop Online appearing in the borders of these pages.
- 15.4.11** Online announcements for activities which result in financial benefit to a presenter may not be hosted on that presenter's profile page.



16. Involvement with commercial organisations, products and services

- 16.1 Principles
- 16.2 General references to commercial organisations and products
- 16.3 Signage
- 16.4 Program credits
- 16.5 Named activities, events, performances and locations
- 16.6 Coverage of prizes, trophies and awards
- 16.7 Free or discounted products, services and facilities
- 16.8 Prizes, giveaways and competitions
- 16.9 Endorsement by ABC presenters
- 16.10 Media training
- 16.11 Non-broadcast activities
- 16.12 Tobacco sponsors
- 16.13 Sponsorship guidelines



16 Involvement with commercial organisations, products and services

16.1 Principles

16.1.1 Visual, written and/or aural references to commercial organisations or products may be appropriate in ABC content taking into account the context of the program or segment. However, the references should not be repeated frequently or given undue prominence.

16.2 General references to commercial organisations and products

16.2.1 Publicity for individuals, organisations or products should not be given, and the presentation of identifiable or clearly labelled brand products or services should be avoided. For example, contact details or repeated references to a trading name must not be broadcast or published, nor the place where goods or services may be obtained.

16.2.2 Product placement is a commercial arrangement to ensure that a commercial product or service is featured on-screen or on-air. Product placement is not acceptable in ABC content. It may amount to the broadcast of an advertisement and breach the ABC Act and/or it may suggest that the product is in some way associated with or endorsed by the ABC.

16.2.3 Care should be taken in the choice of words used to describe commercial organisations and people. Marketing slogans and positioning statements should be avoided.

16.2.4 ABC presenters must avoid any endorsement of any commercial organisation, product or service by themselves, their guests or contributors in ABC broadcasts or on ABC Online. (See also 15.4.6 and 16.9.)

16.3 Signage

16.3.1 Organisers of events which the ABC wishes to broadcast or publish should be informed of the prohibition of advertising on ABC broadcast and online services (other than the Corporation's international television service and its associated audio channels). As far as practical, camera shots should not dwell upon on-site advertising.

16.3.2 ABC policy is to avoid signage as far as possible. Incidental coverage of signage which mentions commercial products does not constitute advertising.

16.3.3 Where an Executive Producer considers that coverage of an event cannot avoid dwelling on particular commercial references, the matter should be referred immediately to the Director of Television or Head of Content Commissioning and Editorial, New Media and Digital Services for consideration and determination.

16.4 Program credits

16.4.1 Credits acknowledge the creative, managerial and financial contributors to a program as well as those who have given other special assistance. (See also 16.7.4 and 16.7.5.)

16.4.2 Nothing in 16.4 prevents the use in program credits of logos, watermarks or links embedded in copyright material. Nor does 16.4 apply to acquisitions.

16.4.3 Subject to the approval of the Director of Television or the Director of New Media and Digital Services, the ABC may permit sponsors of co-producers or independent producers to be acknowledged in television credits. Neither the program itself nor the credits may contain any form of advertisement, commercial logo or commercially distinctive typeface or font, except as provided in 16.4.4. The ABC will refuse to broadcast or publish any credit which appears to be an advertisement.

16.4.4 Credits may include the logos of co-production partners, independent producers and appropriate cultural agencies, such as State film corporations. Where such a logo appears in co-production credits, it must be no larger or more prominent than the ABC logo.

16.4.5 ABC web addresses may be used in broadcast credits. Use of non-ABC web addresses in broadcast credits must have the approval of the relevant divisional director or their nominee.

16.4.6 The ABC may permit the sponsor of a public performance of any performing group to be acknowledged in the credits of any radio or television coverage by the ABC of that event. The credit must make clear that the sponsorship related solely to the performance, not the broadcast.

16.4.7 In radio it should be recognised that giving credit to a particular contribution in a program gives more prominence than in program credits on television. Where it is given, the choice of words will be given careful consideration to avoid the perception of promotion rather than credit. In all cases, the wording should be cleared by the relevant Radio Program Manager, Radio Editor or Manager of Local Radio.

16.4.8 Subject to the approval of the Head of Content Commissioning and Editorial, New Media and Digital Services, the ABC may permit online credits to acknowledge contributions to the production of a website by government and cultural agencies, co-production partners, private or commercial organisations and independent producers. The acknowledgment may include an appropriate link to the organisation's web site. Neither the website itself nor the credits or acknowledgment may contain any form of advertisement, commercial logo or commercially distinctive typeface or font, except as provided in 16.4.9. The ABC will refuse to publish any credit which appears to be an advertisement.

16.4.9 Online credits or acknowledgments may include the logos of co-production partners, independent producers, appropriate cultural agencies and non-commercial agencies.

16.5 Named activities, events, performances and locations

16.5.1 Numerous activities, events, performances and locations have official names which include the corporate or product brand names of commercial sponsors. The ABC will not use corporate or product brand names unless this is necessary to readily identify the event, activity, performance or location to the audience. For example some sporting fixtures or events are no longer recognised by other than their sponsored name. In cases of doubt, normal principles of upward referral apply. (See 4.1.)

16.5.2 When acquiring broadcast rights to such activities the ABC will not give an undertaking or accept an obligation to use a corporate or product brand name as part of the official event name.

16.5.3 In those cases where the ABC is acquiring rights to cover a named activity, event, performance or location, the ABC will inform the third party of how it intends to refer to the activity, event, performance or location, if different from the official name.

16.5.4 The ABC will not broadcast or publish corporate or brand names in the form of advertisements.

16.6 Coverage of prizes, trophies and awards

16.6.1 Prizes, trophies and awards are often sponsored by commercial or other organisations in return for official naming rights. Where the contest or award exists independently of any broadcast or publication online, for example the 'The Australian Vogel Young Writer's Award', then the ABC is free to refer or not to refer to it by its official name.

16.6.2 Other prizes, trophies and awards exist solely because there is a contest devised for radio, television or online. The ABC does not sell or offer naming rights to these prizes to commercial organisations. Reference to the nature of the prizes must not advertise a product, brand name or supplier.

16.6.3 Commercial names should not be used when they can reasonably be avoided. When unavoidable, they will be used as seldom as possible.

16.7 Free or discounted products, services and facilities

16.7.1 Many companies and government agencies offer content makers free or discounted products, services and facilities as a means of assisting the media, journalists and reporters. Provided that there is no obligation imposed on or accepted by the ABC or its staff to structure a broadcast in any way or to present any matter with a particular editorial perspective, free or discounted products, services and facilities may be accepted, subject to 16.7.2–16.7.8 inclusive. Also see 16.7.12 in relation to acceptance of free or discounted products, services and facilities by ABC New Media and Digital Services.

16.7.2 The News and Current Affairs Division will not accept offers of free or discounted products, services or facilities, except on those occasions where coverage of an important newsworthy event is only possible by accepting such an offer, eg travel to a disaster scene or a remote location.

16.7.3 Acceptance of any such offers by the News and Current Affairs Division must be approved by the Director of News and Current Affairs, National Editor, Head of Local Programs, Head of National Programs, Head of International Coverage, Head of Editorial Coordination or National Program Executive Producers. Approval will be given only if it is determined that the event is newsworthy and that acceptance of the free or discounted product, service or facility will not compromise the ABC's editorial independence. A record of the reasons for the acceptance or rejection of all offers will be kept.

16.7.4 Offers of free or discounted products, services or facilities in other areas can only be accepted where it can be demonstrated that the ABC's independence and integrity are fully protected. In deciding whether to accept an offer, the following issues should be considered.

- (a) Is the outside organisation's interest in the subject matter of the content direct or indirect?
- (b) Is the content something which the ABC would consider producing or broadcasting without the offer of free or discounted products, services or facilities?

- (c) Will the scheduling, scale or subject matter of the content be influenced by the provision of these products, services or facilities? Could there reasonably be a perception of influence?
- (d) Although the ABC may have complete editorial control, will the subject matter or presentation of the content be perceived as advertising for or promotion of the organisation offering the products, services or facilities?

16.7.5 Having taken account of the above, a judgment will be made about whether the ABC's independence and integrity are fully protected.

- (a) All decisions to accept free or discounted travel or accommodation must be referred for approval to the relevant director or their delegate.
- (b) Decisions to accept free or discounted products, services and facilities (other than travel or accommodation) will be referred for approval to the Director of Television, relevant Radio Head or Director of Radio, or Head of Content Commissioning and Editorial, New Media and Digital Services.

16.7.6 A record of the reasons for the acceptance or rejection of all proposals will be kept for 12 months.

16.7.7 Program credits must include appropriate disclosure on occasions when the acceptance of free or discounted products, services or facilities may be perceived by the audience to have the potential to distort the editorial content of a program.

16.7.8 The ABC will not undertake to provide a commercial organisation with a credit on-air or online in return for the provision of free or discounted products, services or facilities.

16.7.9 The ABC will not participate directly or indirectly in deals in which money or services are exchanged for the broadcast of any editorial material which presents the corporate or product names or the noticeable use of colours, images, sounds or designs associated with a sponsor or donor.

16.7.10 Free items such as books, sound recordings and other cultural products and tickets to film, theatre or other cultural events may be accepted for the purposes of genuine review, provided that the use of the goods will be non-promotional and that there is no restriction on the ABC's complete editorial freedom and content control. Such material is the property of the ABC and should be used, stored and/or disposed of by the ABC according to established procedures.

- 16.7.11** The broadcast on the ABC of video clips and sound recordings provided free of charge to all broadcasting organisations by the recording industry is acceptable. These products and information are provided without any obligation on the part of the ABC to use them, nor is there any editorial control by their providers over their use or over the use of similar material produced by competitors of the donors.
- 16.7.12** ABC New Media and Digital Services is able to accept free or discounted products, services or facilities from government agencies and private and community sources. The ABC must ensure that acceptance of the free or discounted product, service or facility does not infringe or appear to infringe the editorial independence of the ABC. In deciding whether to accept or reject an offer, the process set out in 16.7.3 must be followed.
- 16.7.13** Provision of a program free of charge or at a discounted price is not the same as the provision of free or discounted products, services or facilities. The former must be considered in accordance with the provisions of 15.3 of the Editorial Policies.
- 16.8 Prizes, giveaways and competitions**
- 16.8.1** The ABC will not accept goods or services from commercial organisations as on-air or online prizes as this may be perceived by audiences as advertising. Prizes should be purchased by the ABC at not less than wholesale prices. Brand names of prizes and awards must not be used on air or online. (See also 16.2.)
- 16.8.2** Tickets for commercial events (such as films, concerts and performances), other than ABC activities, to be given away on-air or online should be purchased by the ABC. In all instances, the event must be chosen by the content producer without any inducement from the event promoter. On-air or online mention of such events must be by way of information and not advertisement.
- 16.8.3** Tickets to events organised by groups such as public agencies, community groups and non-profit cultural, educational or sporting bodies and items produced by them may be accepted to be given away on-air or online. However, on-air or online support of such events must be by way of information and/or review, and not an advertisement. The acceptance of such free tickets requires the prior approval of either the Director of Television, Director of Radio, Director of New Media and Digital Services or their nominee.
- 16.8.4** The acceptance of commercial items from not-for-profit cultural and community groups may be appropriate as prizes for giveaway. However, there should be no on-air or online mention of the commercial name of the prize.

- 16.8.5** Where consideration is being given to obtaining a free or discounted prize or giveaway, the process set out in 16.7.4 must be followed.
- 16.8.6** Where competitions are conducted across radio, television and online services, areas should refer to information on the ABC Legal intranet site for the most up-to-date information regarding State or Territory legal requirements.
- 16.8.7** Use of the ABC name, logo or other registered trademarks in all competitions, whether or not they are promoted or broadcast on air, is subject to the provisions of Section 17.
- 16.8.8** The ABC may employ voting as one indication of audience preferences. The ABC should be cautious about interpreting this as an accurate view of audience preferences. As a general rule, the results of audience votes should not be the sole criterion for awarding prizes.

16.9 Endorsement by ABC presenters

- 16.9.1** No endorsement by ABC presenters or staff for non-ABC products or services is permitted without the express approval of the divisional director.

16.10 Media training

- 16.10.1** Many organisations offer training in how to work with the media. But there are real dangers when those with editorial responsibility for ABC content train individuals or organisations in how to perform in television, radio or online interviews, debates, discussions, etc. No-one with regular editorial involvement in news and current affairs content may be involved in such training.

16.11 Non-broadcast activities

- 16.11.1** The ABC's obligation to maintain its independence and integrity applies to its non-broadcast activities (concerts, performances, staged events, marketing and publishing activities) as well as to its broadcasting and online activities. While some provisions of the ABC Act do not apply to ABC Online, the Board has decided that similar editorial policies will apply to the ABC's online and broadcast media.
- 16.11.2** There is a greater degree of flexibility with some non-broadcast activities because the specific prohibitions in the ABC Act do not apply. This should not be taken to condone the acceptance of any practices which undermine the independence and integrity of the ABC.

16.11.3 In staging events and performances, the ABC may agree to reasonable levels of promotion and advertising by a corporate sponsor, both for the event and at the venue, provided that the sponsor agrees not to place advertising in such a manner that it would be unavoidably broadcast in any ABC coverage of the event.

16.11.4 In addition, where media other than the ABC are concerned, sponsors may also pay for advertisements which announce the activity, to be presented by the ABC, is supported by the sponsor. Sponsorship agreements should regulate the nature of acknowledgment given to the ABC, and should provide that the ABC name and logo or other registered trademark is not used in the sponsor's own advertising without the prior written approval of the ABC's Managing Director. (See Section 17.)

16.11.5 The ABC may be willing, in appropriate cases, to make reference to sponsors in hard copy published and produced material. For example, reference to a sponsor may be made in publicity material, the cover artwork of an ABC record or on a T-shirt licensed from an ABC program or event. Care should be taken to avoid any suggestion that the ABC endorses the sponsor or its products.

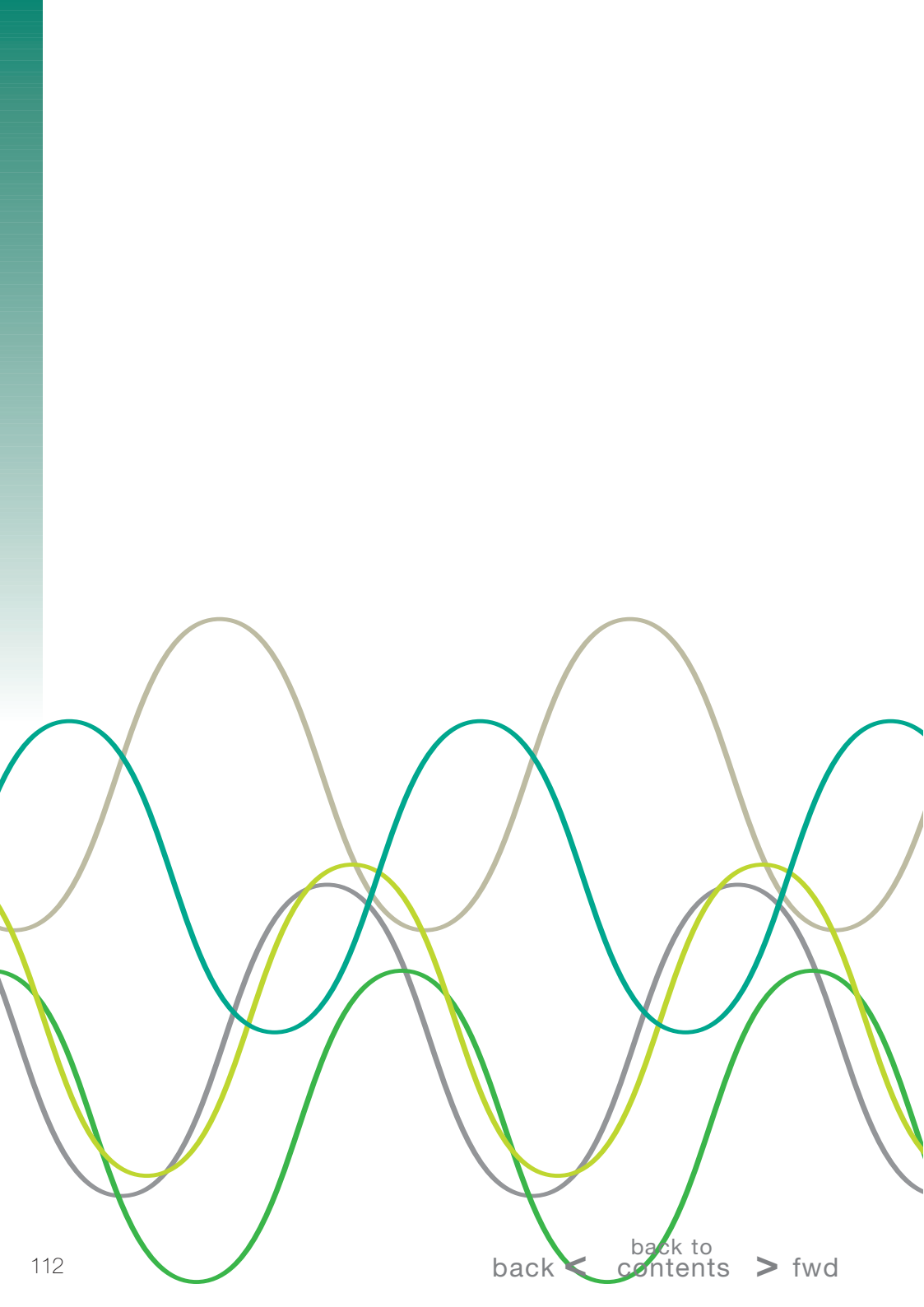
16.12 Tobacco sponsors

16.12.1 The ABC will not broadcast or publish credits, or accept sponsorship for non-broadcast activities, where the form of acknowledgment (including the sponsor's use of the sponsorship in its own advertising) promotes smoking, a particular smoking product, or involves the mention of any smoking product brand name.

16.12.2 Coverage by the ABC of named events using names related to tobacco companies will be governed by the guidelines on named events (see 16.5).

16.13 Sponsorship guidelines

16.13.1 Advertising and Sponsorship Guidelines for Australia Network services appear at Appendix 5.



17 use of ABC name, logo and other registered trademarks

17. Use of ABC name, logo and other registered trademarks

- 17.1 ABC use of the ABC name, logo and other registered trademarks
- 17.2 Third party use of the ABC logo and other registered trademarks
- 17.3 Use of the ABC name, logo and other registered trademarks in conjunction with commercial products, names and logos
- 17.4 Registered trademarks



17 Use of ABC name, logo and other registered trademarks

17.1 ABC use of the ABC name, logo and other registered trademarks

17.1.1 The ABC Board has endorsed the principle that the ABC's corporate image should be centrally coordinated.

17.1.2 Use of the ABC name, logo and other registered trademarks, used in all ABC media, and in all external advertising and promotions, should adhere to guidelines and approval processes established by the Head of Corporate Marketing to ensure that the ABC's image is managed in line with the Corporation's strategic direction and editorial policies.

17.2 Third party use of the ABC logo and other registered trademarks

17.2.1 The ABC logo and other registered trademarks are valuable assets which can be licensed for use by third parties. Their use must be strictly controlled because they are synonymous with the ABC and their use on goods and services may indicate that those goods and services are endorsed by the ABC. Their use must not undermine the independence or integrity of the ABC.

17.2.2 The ABC logo and trademarks are registered in Australia and in many overseas countries in respect of a variety of goods and services, so that their use can be controlled by the ABC. (See 16.11.4.)

17.2.3 Subject to 17.3 below, the following guidelines govern the use of the ABC logo and other registered trademarks by third parties:

- (a) Use of an ABC logo or trademark by a third party requires the prior written approval of the Director of Television, Director of Radio, Director of New Media and Digital Services, Director of Enterprises, Director of Corporate Strategy and Communications, Head of Corporate Marketing, Managing Director, or their nominee as appropriate.
- (b) All licensing agreements must contain specific provisions approved by ABC Legal Services to protect the ABC and its logo and other registered trademarks along the following lines:
 - (i) that the ABC exercise appropriate quality control over the relevant goods or services
 - (ii) that the ABC exercise appropriate editorial control in relation to content

- (iii) that the ABC exercise appropriate approval rights in relation to packaging and advertising material
- (iv) that the licensee does not do anything that may prevent the ABC logo, or other registered trademark from, as the case may be, remaining validly registered
- (v) that the licensee immediately report any infringement or suspected infringement of the ABC logo or other registered trademark to the ABC
- (vi) that the licensee is prohibited from using the ABC logo or other registered trademark except as specifically permitted by the licence
- (vii) that the licensee is prohibited from dealing with the ABC logo or other registered trademark in any manner which is inconsistent with the licence
- (viii) that the licensee is prohibited from carrying on a business under a name that incorporates the ABC logo or other registered trademark
- (ix) that the licensee is prohibited from applying to register a similar trademark to the logo or other registered trademark.

17.3 Use of the ABC name, logo and other registered trademarks in conjunction with commercial products, names and logos

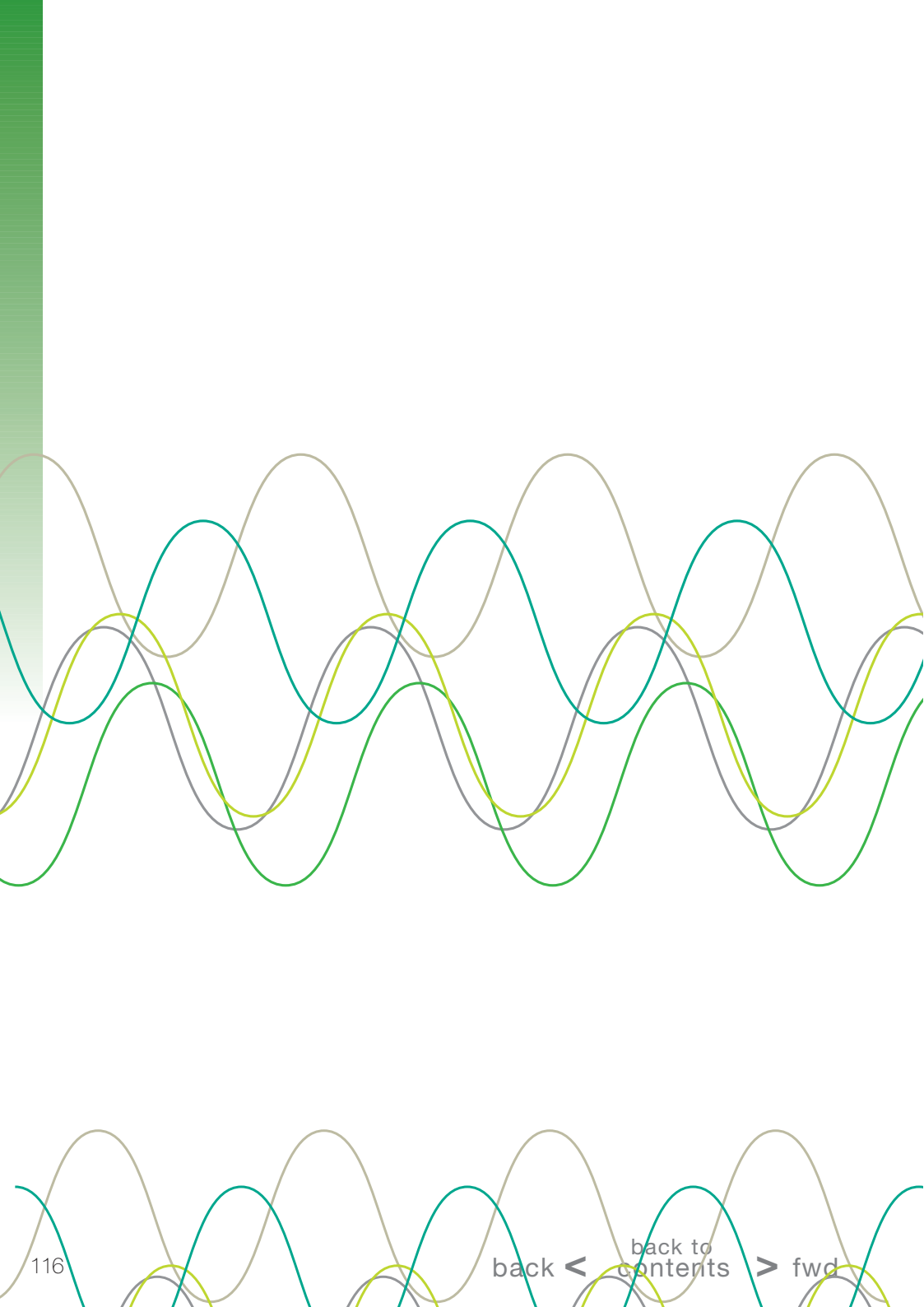
17.3.1 Particular care must be exercised in using the ABC name, logo or other registered trademark on a commercial product or in conjunction with a commercial name or logo. Any such use must not undermine the actual or perceived independence or integrity of the ABC. In addition to the provisions of 17.2.3, use of the ABC name, logo or other registered trademark can be approved as follows:

- (a) on a non-ABC commercial product requires the prior written approval of the Managing Director
- (b) in a sponsor's own advertising (see 16.11.4) requires the prior written approval of the Managing Director
- (c) in conjunction with a commercial name or logo requires the prior written approval of the Managing Director, Director of Corporate Strategy and Communications, Director of Television, Director of Radio, Director of New Media and Digital Services or Director of Enterprises, as appropriate.

17.3.2 Technology and Distribution's policy about use of the ABC logo by suppliers of technology to the ABC is available from its intranet site: <http://win.abc.net.au/technologyanddistribution/policy/suppliers.htm>.

17.4 Registered trademarks

17.4.1 A list of ABC registered trademarks is available from ABC Legal Services.



18 linking



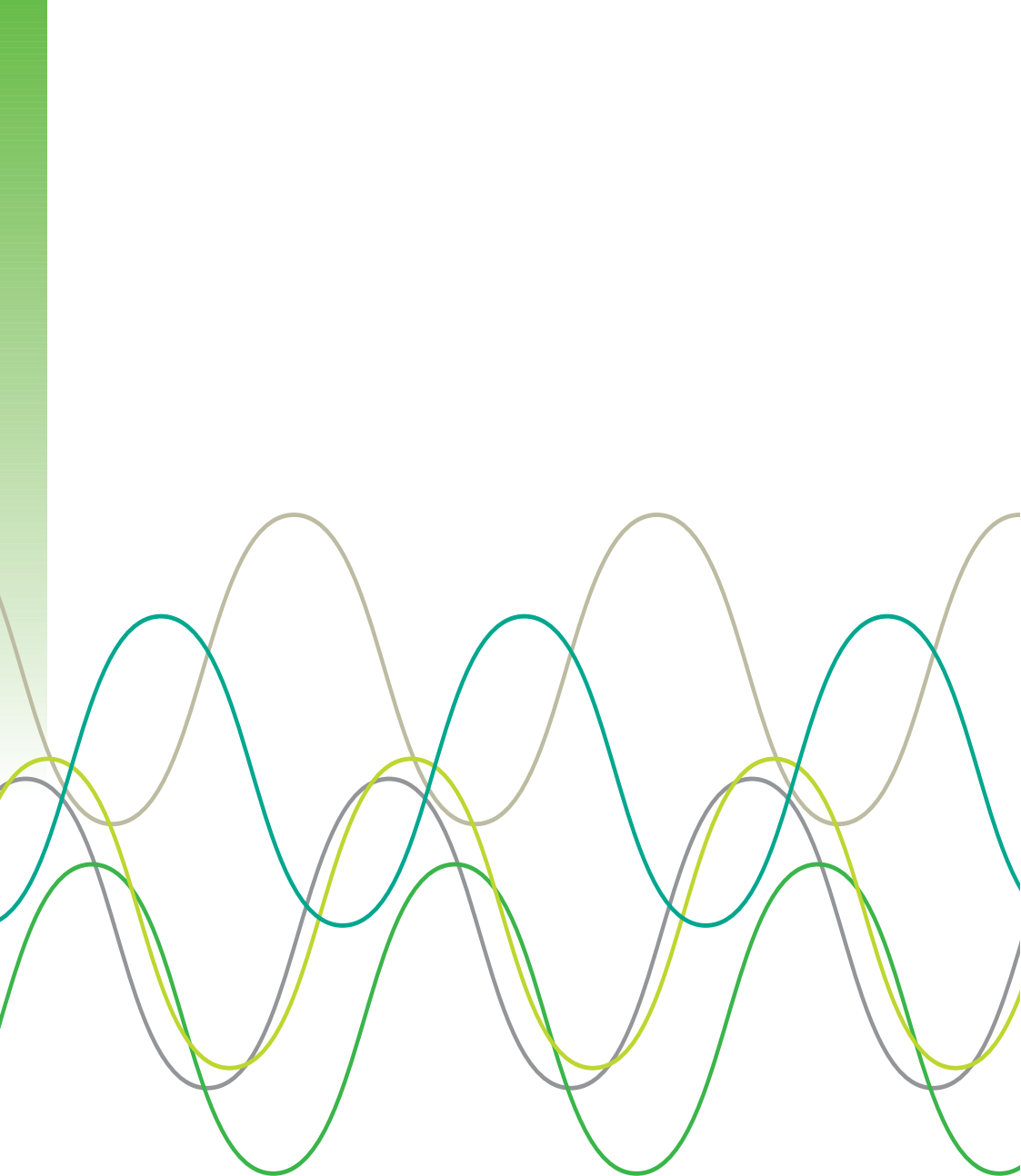
editorial
policies

back < back to
contents > fwd

18 Linking

- 18.1** When linking to other web sites, online staff need to be conscious of the nature and content of those sites. When assessing whether a link to an external site should be (or should remain) published, consideration should be given to how long the link remains available; any need to regularly monitor the quality of the material on the pages being linked to; any legal risks; and how to remove the link quickly should that become necessary or desirable. Care must be taken to ensure that the ABC's editorial integrity is maintained when linking to non-ABC commercial sites. Decisions about placement of links are content decisions and normal editorial judgement and upward referral processes apply (see 4.1).
- 18.2** Particular care must be exercised when linking from ABC Online children's sites to non-ABC sites which advertise commercial products or brands. Appropriate warnings should be presented to users as they are about to leave the ABC site for external commercial sites.
- 18.3** There should be no direct links from ABC preschool children's content to web pages that are designed to sell commercial products to children.
- 18.4** The ABC may provide text links to companies that provide internet software needed in order to view or access components of ABC Online. In placing these links, the ABC should ensure it does not endorse a company or its products.
- 18.5** The ABC will not provide links to web sites that incite violent or illegal activities, unless there is a clear editorial context for doing so. Where an external web site is considered to have content that is contentious or likely to offend or give rise to legal action, the ABC shall consider providing suitable warnings.
- 18.6** When providing links, ABC Online will aim to link to sites representing a range of views. The inclusion, placement and commentary for all links to external web sites will be at the discretion of the ABC. ABC Online is not, and should not be seen to be, dependent on commercial or other interests.

- 18.7** ABC News and Current Affairs Online must give careful consideration before providing a link to any external web site which is commercial in nature. If the site provides new or additional information about news or current affairs content, a link may be appropriate. However, the mere mention of a commercial entity, such as a company, in a news story is not, in itself, justification for a link.
- 18.8** ABC News and Current Affairs Online will not link to a political party site as a matter of course, but may do so if, for example, the site itself or its content becomes a news story.
- 18.9** If a Federal, State or Territory election is called, ABC Online will provide a listing of all registered political parties standing candidates, with links where available, for the duration of the election campaign.
- 18.10** The ABC must make it clear that it does not endorse and is not responsible for the content on external sites.



Appendices

1. Relevant sections of the *Australian Broadcasting Corporation Act 1983*
2. Relevant sections of the *Broadcasting Services Act 1992*
3. ABC Code of Practice 2007
4. ABC Enterprises Product Charter
5. Australia Network Advertising and Sponsorship Guidelines
6. ABC Workplace Values and Code of Conduct



Appendix 1: Relevant sections of the *Australian Broadcasting Corporation Act 1983*

Part II—Establishment, functions and management of the Corporation

6 Charter of the Corporation

- (1) The functions of the Corporation are:
 - (a) to provide within Australia innovative and comprehensive broadcasting services of a high standard as part of the Australian broadcasting system consisting of national, commercial and community sectors and, without limiting the generality of the foregoing, to provide:
 - (i) broadcasting programs that contribute to a sense of national identity and inform and entertain, and reflect the cultural diversity of, the Australian community; and
 - (ii) broadcasting programs of an educational nature;
 - (b) to transmit to countries outside Australia broadcasting programs of news, current affairs, entertainment and cultural enrichment that will:
 - (i) encourage awareness of Australia and an international understanding of Australian attitudes on world affairs; and
 - (ii) enable Australian citizens living or travelling outside Australia to obtain information about Australian affairs and Australian attitudes on world affairs; and
 - (c) to encourage and promote the musical, dramatic and other performing arts in Australia.
- (2) In the provision by the Corporation of its broadcasting services within Australia:
 - (a) the Corporation shall take account of:
 - (i) the broadcasting services provided by the commercial and community sectors of the Australian broadcasting system;
 - (ii) the standards from time to time determined by the ACMA in respect of broadcasting services;
 - (iii) the responsibility of the Corporation as the provider of an independent national broadcasting service to provide a balance between broadcasting programs of wide appeal and specialized broadcasting programs;
 - (iv) the multicultural character of the Australian community; and
 - (v) in connection with the provision of broadcasting programs of an educational nature—the responsibilities of the States in relation to education; and

- (b) the Corporation shall take all such measures, being measures consistent with the obligations of the Corporation under paragraph (a), as, in the opinion of the Board, will be conducive to the full development by the Corporation of suitable broadcasting programs.
- (3) The functions of the Corporation under subsection (1) and the duties imposed on the Corporation under subsection (2) constitute the Charter of the Corporation.
- (4) Nothing in this section shall be taken to impose on the Corporation a duty that is enforceable by proceedings in a court.

6A Datacasting functions

- (1) If:
 - (a) the Corporation applies for a datacasting licence; and
 - (b) the licence is allocated to the Corporation;
 then, in addition to the functions conferred on the Corporation under section 6, the Corporation has the function of providing a datacasting service under, and in accordance with the conditions of, the licence.
- (2) However, subsection (1) is not intended to impose any obligation on the Corporation, in relation to the provision of such a service, beyond that imposed on the Corporation as holder of such a licence.

8 Duties of the Board

- (1) It is the duty of the Board:
 - (a) to ensure that the functions of the Corporation are performed efficiently and with the maximum benefit to the people of Australia;
 - (b) to maintain the independence and integrity of the Corporation;
 - (c) to ensure that the gathering and presentation by the Corporation of news and information is accurate and impartial according to the recognized standards of objective journalism; and
 - (d) to ensure that the Corporation does not contravene, or fail to comply with:
 - (i) any of the provisions of this Act or any other Act that are applicable to the Corporation; or
 - (ii) any directions given to, or requirements made in relation to, the Corporation under any of those provisions; and
 - (e) to develop codes of practice relating to:
 - (i) programming matters; and
 - (ii) if the Corporation has the function of providing a datacasting service under section 6A—that service;
 and to notify those codes to the ACMA.
- (2) If the Minister at any time furnishes to the Board a statement of the policy of the Commonwealth Government on any matter relating to broadcasting, or any matter of administration, that is relevant to the performance of the functions of the Corporation and requests the Board to consider that policy in the performance of its functions, the Board shall ensure that consideration is given to that policy.

- (3) Nothing in subsection (1) or (2) is to be taken to impose on the Board a duty that is enforceable by proceedings in a court.

Part IV—Powers and duties of the Corporation

25 General powers of Corporation

- (1) Subject to this section, the Corporation has power to do all things necessary or convenient to be done for or in connection with the performance of its functions and, in particular, has power:
- (a) to enter into contracts;
 - (b) to acquire, hold and dispose of real or personal property;
 - (c) to occupy, use and control any land or building owned or held under lease by the Commonwealth and made available for the purposes of the Corporation;
 - (d) to erect buildings and structures and carry out works;
 - (da) to produce, promote or present programs or arrange, or provide facilities, for the production, promotion or presentation of programs;
 - (db) to transmit programs or other matter by means of guided or unguided electromagnetic energy, or provide facilities for such transmissions;
 - (dc) to arrange for the transmission of programs or other matter by means of guided or unguided electromagnetic energy;
 - (e) to appoint agents and attorneys, and to act as an agent for other persons;
 - (f) to engage persons to perform services for the Corporation;
 - (g) to accept gifts, devises and bequests made to the Corporation, whether on trust or otherwise, and to act as trustee of moneys or other property vested in the Corporation on trust; and
 - (h) to do anything incidental to any of its powers.
- (3) Subject to subsection (5), the Corporation does not have power to accept any payment or other consideration for the broadcasting of any announcement, program or other matter.
- (4) Subject to subsection (5), the Corporation does not have power:
- (a) to accept the performance of any service, or the provision of any facility, for the Corporation; or
 - (b) to accept any gift, devise or bequest to the Corporation, whether offered or made unconditionally or subject to conditions;
- where it is likely that the independence or integrity of the Corporation would be affected.
- (5) Nothing in subsection (3) or (4) precludes the Corporation from:
- (a) accepting the performance of services, the provision of facilities or the payment of moneys by or on behalf of the Commonwealth, a State or a Territory or an authority of the Commonwealth, of a State or of a Territory; or

- (b) entering into an agreement or arrangement with:
 - (i) a *bona fide* producer of:
 - (A) broadcasting programs;
 - (B) cinematograph films or sound recordings; or
 - (C) public concerts or other public entertainments; or
 - (ii) a *bona fide* publisher of any literary material, in relation to the sharing of any expense or risk associated with the production, distribution, sale or presentation of any such program, film, recording, concert, entertainment or literary material; or
- (c) providing, or entering into an agreement or arrangement with another person for providing, subscription television broadcasting services within the meaning of the *Broadcasting Services Act 1992*; or
- (d) providing, or entering into an agreement with another person for providing:
 - (i) subscription radio broadcasting services; or
 - (ii) subscription radio narrowcasting services; or
 - (iii) subscription television narrowcasting services; or
 - (iv) open narrowcasting radio services; or
 - (v) open narrowcasting television services;
 within the meaning of the *Broadcasting Services Act 1992*; or
- (e) accepting any payment or other consideration for or in relation to any announcement, program or other matter provided by the Corporation's international television service and its associated audio channels outside Australia.
- (6) The Corporation may provide studios, at such places as the Minister approves, for the performance of its functions.
- (7) The Corporation shall provide such offices and other accommodation as are necessary for the performance of its functions.
- (8) The powers of the Corporation may be exercised within or outside Australia.

25A Power to form companies etc.

- (1) In this section:

authorized business means a business or other activity related to or incidental to the performance of any of the functions of the Corporation.

prescribed company means a company that carries on, or proposes to carry on, an authorized business.
- (2) The Corporation may:
 - (a) form, or participate with other persons in the formation of, a company to carry on an authorized business;
 - (b) acquire, hold and dispose of shares or stock in the capital of, or debentures or other securities of, a prescribed company;
 - (c) enter into a partnership, or an arrangement for the sharing of profits or expenses, with a prescribed company for the purpose of carrying on an authorized business; and

- (d) provide technical or other assistance and facilities (whether in or outside Australia) for a prescribed company or for a partnership, or for the purposes of an arrangement, referred to in paragraph (c).

Note: Section 15 of the *Commonwealth Authorities and Companies Act 1997* requires Directors to notify the Minister of significant business activities and arrangements.

- (4) An agreement or arrangement between the Corporation and a prescribed company shall include a term empowering the Corporation to terminate the agreement or arrangement if the prescribed company ceases to be a prescribed company.
- (5) Where:
 - (a) the Corporation has an interest in, or is a party to an agreement or arrangement with, a prescribed company; and
 - (b) the prescribed company ceases to be a prescribed company;the Minister may give to the Corporation such directions as the Minister thinks appropriate with respect to:
 - (c) the disposal of the interest of the Corporation in the company; or
 - (d) the termination of the agreement or arrangement between the Corporation and the company;as the case may be, and the Corporation shall comply with any such directions.
- (6) This section does not authorize a prescribed company to carry on an authorised business otherwise than in accordance with the relevant law.

25B Hedging contracts etc.

- (1) Subject to subsection (3), the Corporation may enter into or deal with contracts, and make other arrangements, in relation to financial futures or foreign currency (including foreign currency futures) for the purpose of reducing or eliminating risks of adverse financial consequences to the Corporation in relation to:
 - (a) any contract (including a contract that may be entered into under this section), or proposed contract, involving the payment or receipt of money by the Corporation; or
 - (b) a borrowing or raising of money by the Corporation or a proposed borrowing or raising of money by the Corporation (including a borrowing or raising of money by the Corporation by dealing with securities);being risks that may arise from variations in the rate of currency exchange or rate of interest applicable to the contract or proposed contract, or to the borrowing or raising of money or proposed borrowing or raising of money, as the case may be, referred to in paragraph (a) or (b).
- (2) The Minister may, by determination in writing:
 - (a) set guidelines for the purpose of the exercise by the Corporation of its power under subsection (1); and
 - (b) revoke or vary guidelines set for that purpose or set new guidelines for that purpose;

and shall give to the Corporation a copy of each determination made under this subsection.

- (3) If the Corporation enters into a contract, dealing or other arrangement under subsection (1), it must do so in accordance with the guidelines (if any) in force under subsection (2).
- (4) A contract, dealing or other arrangement under subsection (1) does not require the approval of the Minister under subsection 70(1).
- (5) In this section:
proposed borrowing or raising of money means a proposed borrowing or raising of money that has been approved by the Finance Minister under section 70B.

26 Corporation to have regard to services of the Special Broadcasting Service Corporation

In performing its functions, the Corporation must have regard to the services provided by the Special Broadcasting Service Corporation.

27 News services

- (1) The Corporation shall develop and maintain an independent service for the broadcasting of news and information by the Corporation pursuant to this section.
- (2) Subject to subsection (5), the Corporation must broadcast daily from each broadcasting service regular sessions of news and information relating to current events within and outside Australia.
- (3) The Managing Director shall ensure that the employees of the Corporation include an adequate number of persons, both within and outside Australia, for the purpose of collecting the news and information to be broadcast pursuant to this section.
- (4) Without affecting the obligations of the Managing Director under subsection (3), the Corporation may also procure news and information relating to current events from such news agencies and other sources, whether within or outside Australia, as the Board thinks fit.
- (5) Subsection (2) does not apply to:
 - (a) a subscription broadcasting service within the meaning of section 16 of the *Broadcasting Services Act 1992*; or
 - (b) a subscription narrowcasting service within the meaning of section 17 of that Act; or
 - (c) an open narrowcasting service within the meaning of section 18 of that Act; unless the service is specified by the Minister by notice in the *Gazette*.
- (6) A specification under subsection (5) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

28 Orchestras, bands, concerts etc.

For the purposes of the performance of its functions, the Corporation may:

- (a) establish, maintain and utilize, in such manner as the Board thinks desirable, orchestras, bands and other groups of musicians for the performance of music of high quality; and
- (b) make arrangements for the holding of, or organize or subsidize, any public concert or other public entertainment.

29 Publication of journals etc. and making etc. of sound recordings etc.

- (1) The Corporation may:
 - (a) compile, prepare, issue, circulate and distribute literary material (including the program schedules of broadcasting services provided by the Corporation and other persons); and
 - (b) make, promote, circulate and distribute:
 - (i) cinematograph films and sound recordings of, or relating to:
 - (A) programs of the Corporation (whether or not broadcast); and
 - (B) public concerts and other public entertainment referred to in paragraph 28(b); and
 - (ii) any article or thing bearing a mark that is associated with any program, concert or entertainment referred to in subparagraph (i).
- (2) The Corporation may from time to time determine charges payable in respect of any matter or activity referred to in subsection (1), with a view to raising as much net revenue as is practicable, having regard to the proper performance of its functions and to the matter or activity concerned.
- (3) A program schedule referred to in paragraph (1)(a) shall be made available at an office of the Corporation on equal terms to the publishers of any newspaper, magazine or journal published in Australia before the publication of the program schedule pursuant to subsection (1).
- (4) In this section, **mark** includes a symbol, design, colour, device, brand, heading, label, sign, ticket, name, signature, word, letter, numeral, drawing or picture, or any combination of the foregoing.

29A Broadcasting facilities may be made available

The Corporation may make broadcasting facilities and staff available to a person for the purpose of providing a broadcasting service under the Broadcasting Services Act 1992.

31 Advertisements

- (1) The Corporation shall not broadcast advertisements.
- (2) Subsection (1) does not prevent the Corporation, if the Board thinks fit, from broadcasting:
 - (a) any announcement relating to any activity or proposed activity of the Corporation;

- (b) a program supplied by any organization or person engaged in artistic, literary, musical or theatrical production or in educational pursuits; or
 - (c) a program supplied by any organization or person other than a program that is, in the opinion of the Corporation, being used as an advertisement; or from broadcasting any matter the broadcasting of which is directed by the Minister pursuant to subsection 78(1).
- (3) Subsection (1) does not apply to:
- (a) the broadcasting of any matter by the Corporation's international television service and its associated audio channels outside Australia; or
 - (b) the broadcasting of any matter by the Corporation's international television service and its associated audio channels inside Australia that is merely incidental to the broadcasting of the matter outside Australia.

Part VIII—Miscellaneous

78 Power of Minister to give directions to Corporation in the national interest

- (1) If the Minister is of the opinion that the broadcasting of particular matter by the Corporation would be in the national interest, the Minister may direct the Corporation to broadcast that matter over all of its national broadcasting services or over such of them as are specified in the direction. If such a direction is given, the Corporation must broadcast that matter, free of charge, in accordance with the direction.
- (2) In subsection (1):
national broadcasting services has the meaning given by section 13 of the *Broadcasting Services Act 1992*.
- (3) Subsection (1) has effect subject to section 79A.
- (4) A direction under this section shall be sent by telegraph, or by notice in writing, to the Managing Director.
- (5) Where the Minister gives a direction to the Corporation under this section, the Minister shall cause a statement setting out particulars of, and the reasons for, the direction to be laid before each House of the Parliament within 7 sitting days of that House after the direction was given.
- (6) Except as provided by this section, or as expressly provided by a provision of another Act, the Corporation is not subject to direction by or on behalf of the Government of the Commonwealth.
- (7) Without limiting subsection (6), section 28 of the *Commonwealth Authorities and Companies Act 1997* does not apply in relation to the Corporation.

79 Application of Broadcasting Act

Except where the *Broadcasting Services Act 1992* otherwise expressly provides, that Act does not apply in relation to the broadcasting services provided by the Corporation.

79AA Report by ACMA on degradation of signal quality

If:

- (a) a person has made a complaint to the Corporation about degradation of the quality of signal reception of a national broadcasting service; and
- (b) within 60 days after making the complaint, the person did not receive a response that the person regarded as adequate; and
- (c) the signal concerned is received from an analog terrestrial radiocommunications transmitter;

the Minister may direct the ACMA to conduct an investigation into the matter.

79A Broadcasting of political or controversial matter

- (1) Subject to this Act, the Corporation may determine to what extent and in what manner political matter or controversial matter will be broadcast by the Corporation.
- (2) If the Corporation broadcasts political matter at the request of another person, the Corporation must, immediately afterwards:
 - (a) if the matter was broadcast by radio—cause the required particulars in relation to the matter to be announced; or
 - (b) if the matter was televised:
 - (i) cause the required particulars in relation to the matter (other than the particulars referred to in paragraph (c) of the definition of ***required particulars*** in subsection (5)) to be announced; and
 - (ii) cause all the required particulars in relation to the matter to be transmitted in the form of images of words.
- (3) The Corporation must, in relation to political matter broadcast at the request of another person, keep a record of the name, address and occupation of the person or, if the person is a company, the name and the address of the principal office of the person, for the required period and must give to the ACMA any particulars of the record that the ACMA, by written notice, requires.
- (4) For the purposes of this section, a person authorises the broadcasting of political matter only if the person is responsible for approval of the content of the political matter and the decision to present it for broadcasting.
- (5) In this section:

election means an election to a Parliament or a local government authority of a State or Territory.

election period means:

- (a) in relation to an election to the Legislative Council of Tasmania, or an ordinary election to the Legislative Assembly of the Australian Capital Territory—the period that starts 33 days before the polling day for the election and ends at the close of the poll on that day; and
- (b) in relation to any other election to a Parliament—the period that starts on:
 - (i) the day on which the proposed polling day for the election is publicly announced; or

- (ii) the day on which the writs for the election are issued; whichever happens first, and ends at the close of the poll on the polling day for the election; and
- (c) in relation to an election to a local government authority—the period that starts 33 days before the polling day for the election and ends at the close of the poll on that day; and
- (d) in relation to a referendum whose voting day is the same as the polling day for an election to the Parliament of the Commonwealth—the election period in relation to that election; and
- (e) in relation to any other referendum—the period that starts 33 days before the voting day for the referendum and ends at the close of voting on that day.

Parliament means:

- (a) the Parliament of the Commonwealth; or
- (b) a State Parliament; or
- (c) the legislature of a Territory.

person includes a political party, a corporation and any other association (whether incorporated or unincorporated).

political matter means any political matter, including the policy launch of a political party.

referendum means the submission to the electors of a proposed law for the alteration of the Constitution, whether or not the proposal to make the submission has been announced.

required particulars, in relation to a political matter that is broadcast, means:

- (a) if the broadcasting was authorised by a political party:
 - (i) the name of the political party; and
 - (ii) the town, city or suburb in which the principal office of the political party is situated; and
 - (iii) the name of the natural person responsible for giving effect to the authorisation; and
- (b) if the broadcasting of the political matter was authorised by a person other than a political party:
 - (i) the name of the person who authorised the broadcasting of the political matter; and
 - (ii) the town, city or suburb in which the person lives or, if the person is a corporation or association, in which the principal office of the person is situated; and
- (c) the name of every speaker who, either in person or by means of a sound recording device, delivers an address or makes a statement that forms part of that matter.

required period, in relation to the keeping of a record in relation to political matter, means the period of 2 years commencing on the day on which the matter was broadcast.

79B Records of matter broadcast

- (1) If the Corporation broadcasts matter relating to a political subject or current affairs, being matter that is in the form of news, an address, a statement, a commentary or a discussion, the Corporation must cause a record of the matter to be made:
 - (a) in the case of a radio broadcast—by using a device for recording sound; or
 - (b) in the case of a television broadcast—by using a device for recording images and associated sound.
- (2) Subject to this section, the Corporation must retain in its custody a record so made for a period of:
 - (a) 6 weeks from the date on which the matter was broadcast; or
 - (b) if a complaint has been made about the matter—for 70 days from the date on which the complaint was made.
- (3) If a person considers that a record so made is admissible in evidence in proceedings instituted, or proposed to be instituted, in a court, being a record that is held under subsection (2), the person may give to the Corporation a notice in writing informing the Corporation that the record may be required for the purposes of the proceedings.
- (4) If such a notice is given to the Corporation in respect of a record, the Corporation must, subject to this section, retain the record until the proceedings or the proposed proceedings to which the notice relates have been finally determined.
- (5) If the proceedings are not instituted within a period of 3 months after the notice is given to the Corporation, subsection (4) ceases to apply to the record at the end of that period.
- (6) The obligation imposed by this section on the Corporation to retain a record does not apply at any time when the record is in the custody of a court in connection with proceedings instituted in the court.
- (7) Subsection (1) does not apply to or in relation to proceedings of the Senate or of the House of Representatives broadcast or re broadcast by the Corporation pursuant to the *Parliamentary Proceedings Broadcasting Act 1946*.

Appendix 2: Relevant sections of the *Broadcasting Services Act 1992*

Part 2—Categories of broadcasting services

13 National broadcasting services

- (1) National broadcasting services are:
 - (a) broadcasting services provided by the Australian Broadcasting Corporation in accordance with section 6 of the *Australian Broadcasting Corporation Act 1983*; or
 - (b) broadcasting services provided by the Special Broadcasting Service Corporation in accordance with section 6 of the *Special Broadcasting Service Act 1991*; or
 - (c) broadcasting services provided under the *Parliamentary Proceedings Broadcasting Act 1946*.
- (2) National broadcasting services do not include subscription broadcasting services or subscription or open narrowcasting services provided by the Australian Broadcasting Corporation or the Special Broadcasting Service Corporation.
- (3) Subsection (2) does not apply to services specified by the Minister by notice in the *Gazette*.
- (4) A specification under subsection (3) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.
- (5) Except as expressly provided by this Act, the regulatory regime established by this Act does not apply to national broadcasting services.

Part 11, Division 2—Complaints relating to national broadcasting services or datacasting services provided by the ABC or SBS

150 Complaints relating to national broadcasting services or datacasting services provided by the ABC or SBS

If:

- (a) a person has made a complaint to the Australian Broadcasting Corporation or the Special Broadcasting Service Corporation on the ground that the Corporation has, in providing a national broadcasting service or a datacasting service, acted contrary to a code of practice developed by the Corporation and notified to the ACMA; and
- (b) either:
 - (i) the person has not received a response within 60 days after making the complaint; or

- (ii) the person has received a response within that period but considers that response to be inadequate;
- the person may make a complaint to the ACMA about the matter.

151 Investigation of complaints relating to the ABC or SBS by the ACMA

- (1) Subject to subsection (2), the ACMA must investigate the complaint.
- (2) The ACMA need not investigate the complaint if it is satisfied that:
 - (a) the complaint is frivolous or vexatious or was not made in good faith; or
 - (b) the complaint is not relevant to a code of practice developed by the Corporation.

152 Action by ACMA where complaint justified

- (1) If, having investigated a complaint, the ACMA is satisfied that:
 - (a) the complaint was justified; and
 - (b) the ACMA should take action under this section to encourage the Australian Broadcasting Corporation or the Special Broadcasting Service Corporation to comply with the relevant code of practice;the ACMA may, by notice in writing given to the Australian Broadcasting Corporation or the Special Broadcasting Service Corporation, recommend that it take action to comply with the relevant code of practice and take such other action in relation to the complaint as is specified in the notice.
- (2) That other action may include broadcasting or otherwise publishing an apology or retraction.
- (3) The ACMA must notify the complainant of the results of such an investigation.

153 ACMA may report to Minister on results of recommendation

- (1) If:
 - (a) the ACMA has made a recommendation to the Australian Broadcasting Corporation or the Special Broadcasting Service Corporation under section 152; and
 - (b) the Australian Broadcasting Corporation or the Special Broadcasting Service Corporation, as the case may be, does not, within 30 days after the recommendation was given, take action that the ACMA considers to be appropriate;the ACMA may give the Minister a written report on the matter.
- (2) The Minister must cause a copy of the report to be laid before each House of the Parliament within 7 sitting days of that House after the day on which he or she received the report.

Schedule 5—Online services

2 Simplified outline

The following is a simplified outline of this Schedule:

- This Schedule sets up a system for regulating certain aspects of the Internet industry.
- A person may complain to the ACMA about **prohibited content** or **potential prohibited content** on the Internet, and the ACMA must investigate the complaint.
- Internet content hosted in Australia is **prohibited content** if:
 - (a) the content has been classified RC or X 18+ by the Classification Board; or
 - (b) the content has been classified R 18+ by the Classification Board and access to the content is not subject to a restricted access system.
- Internet content hosted outside Australia is **prohibited content** if the Internet content has been classified RC or X 18+ by the Classification Board.
- Internet content is **potential prohibited content** if the content has not been classified by the Classification Board, but if it were to be classified, there is a substantial likelihood that the content would be prohibited content.
- If the ACMA is satisfied that Internet content hosted in Australia is potential prohibited content, and is likely to be classified RC or X 18+, the ACMA must:
 - (a) request the Classification Board to classify the content; and
 - (b) give the relevant Internet content host an **interim take-down notice** directing the host not to host the content pending the classification of the content.
- If the ACMA is satisfied that Internet content hosted in Australia is potential prohibited content, and is likely to be classified R 18+, the ACMA must request the Classification Board to classify the content.
- If the ACMA is satisfied that Internet content hosted in Australia is prohibited content, the ACMA must give the relevant Internet content host a **final take-down notice** directing the host not to host the prohibited content.
- If the ACMA is satisfied that Internet content hosted outside Australia is prohibited content or potential prohibited content, the ACMA must:
 - (a) if the ACMA considers that the content is of a sufficiently serious nature to warrant referral to a law enforcement agency—notify the content to an Australian police force; and
 - (b) notify the content to Internet service providers so that the providers can deal with the content in accordance with procedures specified in an industry code or industry standard (for example, procedures for the filtering, by technical means, of such content).
- Bodies and associations that represent sections of the Internet industry may develop industry codes.
- The ACMA has a reserve power to make an industry standard if there are no industry codes or if an industry code is deficient.
- The ACMA may make online provider determinations regulating Internet service providers and Internet content hosts.

Appendix 3: ABC Code of Practice 2007

1. Introduction

- 1.1** The ABC's place in the media industry is distinctive. *The Australian Broadcasting Corporation Act 1983*, gives the Corporation particular responsibilities such as the provision of an independent news service. The ABC Charter (section 6 of the Act) sets out the functions of the Corporation and can be found on the internet at <http://www.abc.net.au/corp/pubs/charter.htm>.
- 1.2** The ABC Act guarantees the editorial independence of the Corporation's programs. The ABC holds the power to make programming decisions on behalf of the people of Australia. By law and convention neither the Government nor Parliament seeks to intervene in those decisions.
- 1.3** This Code of Practice applies to ABC Radio and Television, Online and other emerging media services. Some parts of the Code apply to a particular medium such as Section 6: Television Program Classifications. Where this is the case material is marked accordingly.
- 1.4** The word 'content' is generally used throughout the Code and covers material broadcast on ABC Radio and Television, provided on ABC Online and through emerging media services.
- 1.5** This Code of Practice sets out the major principles which apply to ABC content. The ABC distinguishes between four types of content:
- news and current affairs
 - opinion
 - topical and factual
 - performance.
- 1.6** All four content categories are covered by the general content codes below. In addition specific requirements apply to the content categories of news and current affairs, opinion, and topical and factual.
- 1.7** The *ABC Editorial Policies 2007* set out programming policies and guidelines in full and can be found at <http://www.abc.net.au/corp/pubs/edpols.htm>.

2. General content codes

- 2.1** The guiding principle in the application of the following general content codes is context. What is unacceptable in one context may be appropriate and acceptable in another. However, the use of language, sound or images for no other purpose but to offend is not acceptable.

- 2.2** This Code is not intended to ban certain types of language or images from bona fide dramatic or literary treatments, nor is it intended to exclude such references from legitimate reportage, debate or documentaries.
- 2.3** **Warnings.** From time to time the ABC presents content that it recognises may disturb or offend some of the audience. Where appropriate, the audience will be given advance notice about such content.
- 2.4** **Violence.** There will be times when there are genuine reasons for using violent images and sounds to adequately illustrate a story. Particular care must be taken in the presentation or portrayal of violence. The ABC's decision to use such images or sounds should be based on editorial judgement, together with regard for the reasonable susceptibilities of audiences to the detail of what is broadcast or published. Such content should not put undue emphasis on the violent images or sounds, and where appropriate it should be preceded by a warning.
- 2.5** **Language.** Variations of language favoured by different groups of Australians are valid and have their place in ABC content. On occasions, the language of one group may be distasteful to another. Use of such language is permitted provided it is not used gratuitously and can be justified in the context of, for example, news, current affairs, fiction, documentary, dramatisation, comedy or song lyrics.
- 2.6** **Sex and Sexuality.** Provided it is handled with integrity, any of the following treatments of sex and sexuality may be appropriate and necessary:
- it can be discussed and reported in the context of news, current affairs, information or documentary programs
 - it can be referred to in drama, comedy, lyrics or fictional programs
 - it can be depicted or implied.
- 2.7** **Discrimination and Stereotypes.** To avoid discrimination and stereotyping, content should not use language or images which:
- disparage or discriminate against any person or group on grounds such as race, ethnicity, nationality, sex, age, disability or sexual preference; marital, parental, social or occupational status; religious, cultural or political belief or activity
 - are not representative and reinforce stereotypes, or convey stereotypic assumptions
 - convey prejudice
 - make demeaning or gratuitous references; for example to, people's physical characteristics, cultural practices or religious beliefs.
- The above requirements are not intended to prevent content which is factual or the expression of genuinely-held opinion, or content presented in the legitimate context of a humorous, satirical or dramatic work.

- 2.8 Privacy.** The rights to privacy of individuals should be respected in all ABC content. However, in order to provide information which relates to a person's performance of public duties or about other matters of public interest, intrusions upon privacy may, in some circumstances, be justified.
- 2.9 Suicide.** Suicide is a legitimate subject in ABC content. The depiction or description of suicide must be handled with extreme sensitivity. Care must be taken to ensure that events or methods depicted or described do not encourage others to copy these actions.
- 2.10 Intrusion into Grief.** Sensitivity should be exercised in presenting images of, or interviews with, bereaved relatives and survivors or witnesses of traumatic events. Except in special circumstances, children who have recently been victims of, or eyewitnesses to, a tragedy or traumatic experience should not be interviewed or featured.
- 2.11 Program Promotions.** Program promotions should be scheduled so as to be consistent with the nature of surrounding content.
- 2.12 Content for Children.** In providing enjoyable and enriching content for children, the ABC does not wish to conceal the real world from them. It can be important for the media, especially television, to help children understand and deal with situations which may include violence and danger. Special care should be taken to ensure that content which children are likely to watch or access unsupervised should not be harmful or disturbing to them.
- 2.13 Religious Content.** ABC religious content includes coverage of worship and devotion, explanation, analysis, debate and reports. This content may include major religious traditions, indigenous religions and new spiritual movements, as well as secular perspectives on religious issues. The ABC does not promote any particular belief system or form of religious expression.
- 2.14 Indigenous Australian Content.** Significant cultural practices of Indigenous Australians should be observed in content and reporting.
- 2.15 Television Programs: Closed Captioning on Domestic Television Services for People who are Hearing Impaired or Deaf.** Closed caption content will be clearly marked when information is provided to the press or when captioned programs are promoted. Where possible, open captioned advice will be provided if technical problems prevent scheduled closed captioning. Television programs broadcast between 6 pm and 10.30 pm and news and current affairs programs broadcast at any time are captioned in accordance with the *Broadcasting*

Service Act 1992. Addresses to the nation and events of national significance will also be transmitted with closed captioning.

- 2.16 **Television Programs: Accessible Domestic Television Services for People who are Blind or Have a Visual Impairment or Limited Reading Comprehension.** Where material appears in text format on ABC Television, the ABC will endeavour to provide it in audio as well, subject to availability of resources and considerations of creativity, editorial integrity and immediacy.
- 2.17 **ABC Online.** The ABC aims to make its online services accessible to audience members who are blind or have a visual impairment. It should however, be recognised that it will not always be possible to achieve this while maintaining standards of creativity, editorial integrity and immediacy. There may also be cases where time or resources limit the ABC's ability to provide this service.
3. **News and current affairs content**
 - 3.1 This section applies to content categorised by the ABC as news and current affairs in accordance with Section 5 of the *ABC Editorial Policies 2007*. This content will be accurate, impartial and objective and thereby avoid bias.
 - 3.2 Every reasonable effort, in the circumstances, must be made to ensure that the factual content of news and current affairs is accurate and in context.
 - 3.3 The ABC will correct a significant error when it is established that one has been made. When a correction is necessary, it will be made in an appropriate manner as soon as reasonably practicable.
 - 3.4 Content will be impartial. Editorial judgements will be based on news values. One perspective will not be unduly favoured over others.
 - 3.5 Balance will be sought but may not always be achieved within a single program or publication; it will be achieved as soon as reasonably practicable and in an appropriate manner. It is not essential to give all sides equal time. As far as possible, principal relevant views on matters of importance will be presented.
 - 3.6 The ABC will serve the public interest by investigating issues affecting society and individuals.
 - 3.7 Re-enactments of events will be clearly identified as such and presented in a way which will not mislead audiences.

3.8 Television Programs: News Updates. Care will be exercised in the selection of sounds and images used in television news updates and news promotions. Consideration must also be given to the likely composition of the audience.

3.9 Television Programs: News Updates During Children's Viewing Times. Particular care should be taken with scheduled television news updates at those times when programming is directed at children. News updates at such times must not include any violent content.

3.10 Television Programs: News Flashes. Because the timing and content of news flashes on television are unpredictable, particular care should be exercised in the selection of sounds and images and consideration given to the likely composition of the audience. This should be done, notwithstanding the need to get a news flash to air as quickly as possible. Before any news flash during children's and other G classified programs, a visual and audio announcement must be broadcast advising viewers that regular programming will be interrupted with a news flash.

4. Opinion content

4.1 This section applies to content categorised by the ABC as opinion content in accordance with Section 6 of the *ABC Editorial Policies 2007*.

4.2 Content must be signposted to audiences in advance.

4.3 The ABC is committed to impartiality and must demonstrate this through the presentation of a diversity of perspectives across a network or platform in an appropriate timeframe.

4.4 Reasonable steps will be taken to ensure factual content is accurate and that content does not misrepresent other viewpoints.

5. Topical and factual content

5.1 This section applies to content categorised by the ABC as topical and factual content in accordance with Section 7 of the *ABC Editorial Policies 2007*.

5.2 The ABC is committed to impartiality: where topical and factual content deals with matters of contention or public debate, a diversity of principal relevant perspectives should be demonstrated across a network or platform in an appropriate timeframe.

5.3 Every reasonable effort must be made to ensure that factual content is accurate and in context and that content does not misrepresent other viewpoints.

- 5.4 The ABC will correct a significant error when it is established that one has been made. When a correction is necessary, it will be made in an appropriate manner as soon as reasonably practicable.

6. Television program classifications

- 6.1 The ABC applies the classifications listed below to all its domestic television programs with the exception of news, current affairs and sporting events. The ABC classifications are based on the Guidelines for the Classification of Films and Computer Games issued by the Office of Film and Literature Classification (OFLC), made under the *Classification (Publications, Films and Computer Games) Act 1995*.

6.2 Classification of television programs

G – General (suitable for all ages)

G programs may be shown at any time. This category is considered suitable for all viewers, and includes programs designed for pre-school and school age children. The G classification symbol does not necessarily indicate that the program is one that children will enjoy. Some G programs contain themes or story-lines that are not of interest to children.

Parents should feel confident that children can watch material in this classification without supervision. Whether or not the program is intended for children, the treatment of themes and other classifiable elements will be careful and discreet.

Themes: The treatment of themes should have a very low sense of threat or menace, and be justified by context. The presentation of dangerous, imitable behaviour is not permitted except in those circumstances where it is justified by context. Any depiction of such behaviour must not encourage dangerous imitation.

Violence: Violence may be very discreetly implied, but should:

- have a light tone, or
- have a very low sense of threat or menace, and
- be infrequent, and
- not be gratuitous.

Sex: Sexual activity should:

- only be suggested in very discreet visual or verbal references, and
- be infrequent, and
- not be gratuitous.

Nudity in a sexual context is not permitted.

Language: Coarse language should:

- be very mild and infrequent, and
- not be gratuitous.

Drug Use: The depiction of the use of legal drugs should be handled with care. Illegal drug use should be implied only very discreetly and be justified by context.

Nudity: Nudity outside of a sexual context should be:

- infrequent, and
- not detailed, and
- not gratuitous.

PG – Parental Guidance (Parental Guidance recommended for people under 15 years)

PG programs may be shown:

- on weekdays between 8.30 am and 4.00 pm and between 7.00 pm and 6.00 am
- on weekends at any time **except** between 6 am and 10 am.

PG programs may contain themes and concepts which, when viewed by those under 15 years, may require the guidance of an adult. The PG classification signals to parents that material in this category contains depictions or references which could be confusing or upsetting to children without adult guidance. Material classified PG will not be harmful or disturbing to children.

Parents may choose to preview the material for their children. Some may choose to watch the material with their children. Others might find it sufficient to be accessible during or after the viewing to discuss the content.

Themes: Supernatural or mild horror themes may be included. The treatment of themes should be discreet and mild in impact. More disturbing themes are not generally dealt with at PG level.

Violence: Violence may be discreetly implied or stylised and should also be:

- mild in impact, and
- not shown in detail.

Sex: Sexual activity and nudity in a sexual context may be suggested, but should:

- be discreet, and
- be infrequent, and
- not be gratuitous.

Verbal references to sexual activity should be discreet.

Language: Coarse language should be mild and infrequent.

Drug Use: Discreet verbal references and mild, incidental visuals of drug use may be included, but these should not promote or encourage drug use.

Nudity: Nudity outside of a sexual context should not be detailed or gratuitous.

M – Mature (recommended for people aged 15 years and over)

M programs may be shown:

- on weekdays that are school days, between noon and 3.00 pm and
- on any day of the week between 8.30 pm and 5.00 am.

The M category is recommended for people aged over 15 years. Programs classified M contain material that is considered to be potentially harmful or disturbing to those under 15 years. Depictions and references to classifiable elements may contain detail. While most themes may be dealt with, the degree of explicitness and intensity of treatment will determine what can be accommodated in the M category - the less explicit or less intense material will be included in the M classification and the more explicit or more intense material, especially violent material, will be included in the MA15+ classification.

Themes: Most themes can be dealt with, but the treatment should be discreet and the impact should not be high.

Violence: Generally, depictions of violence should:

- not contain a lot of detail, and
- not be prolonged.

In realistic treatments, depictions of violence that contain detail should:

- be infrequent, and
- not have a high impact, and/or
- not be gratuitous.

In stylised treatments, depictions of violence may contain more detail and be more frequent if this does not increase the impact.

Verbal and indirect visual references to sexual violence may only be included if they are:

- discreet and infrequent, and
- strongly justified by the narrative or documentary context.

Sex: Sexual activity may be discreetly implied.

Nudity in a sexual context should not contain a lot of detail, or be prolonged.

Verbal references to sexual activity may be more detailed than depictions if this does not increase the impact.

Language: Coarse language may be used.

Generally, coarse language that is stronger, detailed or very aggressive should:

- be infrequent, and
- not be gratuitous.

Drug Use: Drug use may be discreetly shown.

Drug use should not be promoted or encouraged.

Nudity: Nudity outside of a sexual context may be shown but depictions that contain any detail should not be gratuitous.

MA15+ – Mature Audience (not suitable for people under 15 years)

MA15+ programs may be shown between 9.30 pm and 5.00 am on any day of the week.

MA15+ programs, because of the matter they contain or because of the way it is treated, are not suitable for people aged under 15 years.

Material classified MA15+ deals with issues or contains depictions which require a more mature perspective. This is because the impact of individual elements or a combination of elements is considered likely to be harmful or disturbing to viewers under 15 years of age. While most themes may be dealt with, the degree of explicitness and intensity of treatment will determine what can be accommodated in the MA15+ category - the more explicit or more intense material, especially violent material, will be included in the MA15+ classification and the less explicit or less intense material will be included in the M classification.

Themes: The treatment of themes with a high degree of intensity should be discreet.

Violence: Generally, depictions of violence should not have a high impact. Depictions with a strong impact should be infrequent, and should not be prolonged or gratuitous.

Realistic treatments may contain detailed depictions, but these should not be prolonged.

Depictions of violence in stylised treatments may be more detailed and more frequent than depictions of violence in close to real situations or in realistic treatments if this does not increase the impact.

Visual suggestions of sexual violence are permitted only if they are not frequent, prolonged, gratuitous or exploitative.

Sex: Sexual activity may be implied.

Depictions of nudity in a sexual context which contain detail should not be exploitative.

Verbal references may be more detailed than depictions, if this does not increase the impact.

Language: Coarse language may be used.

Coarse language that is very strong, aggressive or detailed should not be gratuitous.

Drug Use: Drug use may be shown, but should not be promoted or encouraged.

More detailed depictions should not have a high degree of impact.

Nudity: Nudity should be justified by context.

6.3 Implementation Guidelines. The time zones for each program classification are guides to the most likely placement of programs within that classification. They are not hard and fast rules and there will be occasions on which programs or segments of programs appear in other time-slots. For example, a PG program or segment of a program designed for teenage viewers could appear before 7.00 pm on a week day if that is the time most suitable for the target audience.

There must be sound reasons for any departure from the time zone for a program classification.

Programs which are serious presentations of moral, social or cultural issues, may appear outside their normal classification time zone, provided that a clear indication of the nature of the content is given at the beginning of the program.

Programs, including those having a particular classification under the OFLC Guidelines, may be modified so that they are suitable for broadcast or suitable for broadcast at particular times.

Due to local scheduling arrangements, some programs will be broadcast to Broken Hill outside their classification time zone.

- 6.4 Television Classification Symbols.** The classification symbol of the PG, M or MA15+ program (except for news, current affairs or sporting events) being shown will be displayed at the beginning of the program.

The classification symbol of the PG, M or MA15+ program (except for news, current affairs or sporting events) being promoted will be displayed during the promotion.

- 6.5 Consumer Advice.** Audio and visual consumer advice on the reasons for an M or MA15+ classification will be given prior to the beginning of an M or MA15+ program.

7. Complaints

- 7.1** This Code of Practice does not apply to any complaint concerning content which is or becomes the subject of legal proceedings or any complaint about a radio or television program which is made to the ABC more than six months after the broadcast to which it refers. However, please note the ABC cannot guarantee that it will have the necessary tapes to review complaints made more than six weeks after broadcast as this is the statutory period for which the ABC is required to retain radio and television tapes.

- 7.2 ABC Audience and Consumer Affairs.** Complaints that the ABC has acted contrary to this Code of Practice should be directed to the ABC in the first instance. Phone complainants seeking a written response from the ABC will be asked to put their complaint in writing. All such written complaints are to be directed to ABC Audience and Consumer Affairs, GPO Box 9994, in the capital city of the complainant's State or Territory. The complainant will receive a response from the ABC within 60 days of receipt of their complaint.

The ABC makes considerable efforts to provide an adequate response to complaints about Code of Practice matters, except where a complaint is frivolous, vexatious or not made in good faith or the complainant is vexatious or not acting in good faith.

- 7.3 ABC Complaints Review Executive.** If a complainant is dissatisfied with a response from Audience and Consumer Affairs, the complainant may request that the matter be reviewed by the Complaints Review Executive (CRE). The CRE is a senior ABC manager with editorial experience, who is separate from Audience and Consumer Affairs and content areas, and who can consider the complaint afresh. Complainants can write to the CRE at GPO Box 9994, in the capital city of the complainant's State or Territory.

7.4 Independent Complaints Review Panel. The Independent Complaints Review Panel (ICRP) is appointed by the ABC Board to review written complaints which relate to allegations of serious cases of factual inaccuracy, bias, lack of balance or unfair treatment arising from ABC content.

A complaint of this nature may only be referred to the ICRP for review:

- if the ABC's normal complaints handling procedures (as described in 7.2 above) have been completed and the complainant is dissatisfied with the ABC's response; or
- the ABC has not responded within 60 days and the ABC has failed to provide an acceptable reason for the delay; and
- if in the case of a radio or television program, the complaint was originally lodged with the ABC within six weeks of the date of broadcast.

Further information can be obtained from the Convener, Independent Complaints Review Panel, GPO Box 688, Sydney, NSW 2001 or by phoning (02) 8333 5639.

If the Panel does not accept the complaint for review or if the complainant is dissatisfied with the outcome of the review and the complaint is covered by the ABC Code of Practice, the complainant may make a complaint to the Australian Communications and Media Authority about the matter.

7.5 Australian Communications and Media Authority. If a complainant:

- does not receive a response from the ABC within 60 days; or
- is dissatisfied with the ABC's response; or
- is dissatisfied with the outcome of the ICRP review (as mentioned above) and the complaint is covered by the ABC Code of Practice;

the complainant may make a complaint to the Australian Communications and Media Authority about the matter.

7.6 Contact Addresses

Australian Broadcasting Corporation

Audience and Consumer Affairs
GPO Box 9994, in the capital city of your State or Territory

Complaints Review Executive
GPO Box 9994, in the capital city of your State or Territory

Independent Complaints Review Panel

GPO Box 688, Sydney, NSW, 2001.

Australian Communications and Media Authority

PO Box Q500, Queen Victoria Building, NSW, 1230

Appendix 4: ABC Enterprises

Product Charter

1. Introduction

The ABC Board has determined the following product charter to ensure that the output of Enterprises is distinctively ABC in style and quality and that public perceptions about the ABC are satisfied.

2. Determining the product's compatibility with ABC style and quality

All output from ABC Enterprises must be compatible with ABC style and quality and relevant Editorial Policies.

The key element which determines this compatibility is the product's relationship to ABC programs or concerts. This relationship can either be:

- a direct relationship between the product and an ABC program or concert, including a concert by the Symphony Australia Orchestral Network; or
- a link between the product and the ABC's role and values as expressed in its programming and Charter.

Products which fall into the second category, ie. those which are linked to the ABC's role and values, must reflect the thrust of programming and Charter objectives. Such products will include:

- high quality work which would stimulate debate on contemporary issues particularly in Australia;
- fine works of intellectual enjoyment;
- works created and produced by Australians reflecting the diverse cultures of Australian society;
- quality Australian classical and contemporary music;
- quality children's material;
- works reflecting unique and distinctive artistic and intellectual endeavour; and
- sporting and life-style material with strong links to Australian culture.

Where the relationship with ABC programs, concerts or the ABC Charter is in doubt, a final decision on a product's inclusion in the Enterprises product range will be determined by the Enterprises Board of Management.

3. Other criteria

Once a product has been accepted as compatible with ABC style and quality, other editorial, financial and marketing criteria will be applied to the product including:

- the technical quality of the material;
- the existence of a market niche which will give the product a life of at least six selling months;
- demonstrated audience or consumer demand;
- the ability of the product to contribute to Enterprises financial objectives, as documented in the business plan;
- the need for Enterprises to provide a 'service' in respect to this product; and
- the contribution of the particular product to a balanced catalogue, both within its own product category and between product categories.

4. Co-publishing

In all publishing, production or merchandising ventures involving non-ABC parties, of goods and services endorsed by the ABC, ABC Enterprises will:

- exercise appropriate quality control over the relevant good or service;
- exercise appropriate editorial control in relation to content; and
- exercise appropriate approval rights in relation to packaging and advertising material.

Appendix 5: Australia Network Advertising and Sponsorship Guidelines

The following is an extract from the Australia Network Code of Ethics.

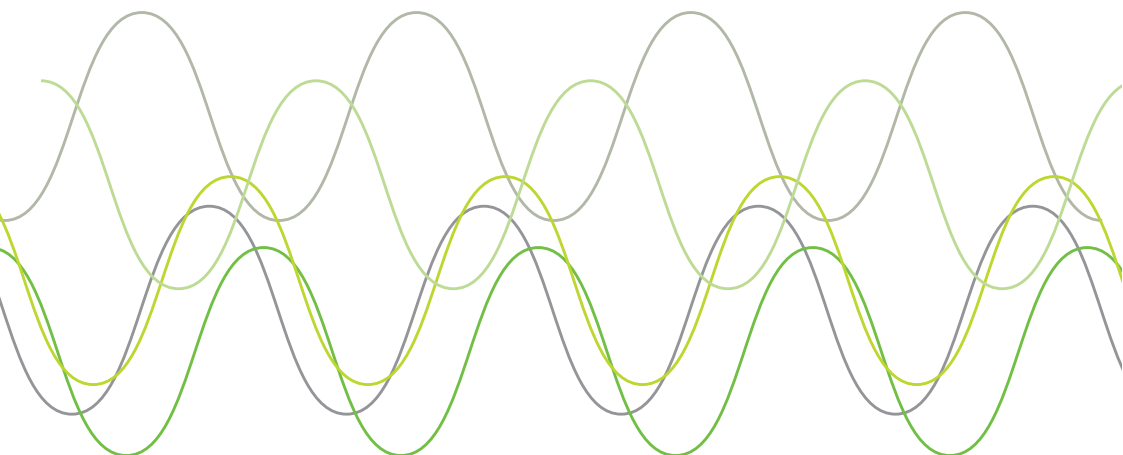
4. Advertising and Sponsorship

4.1 This section applies to all advertising and sponsorship arrangements. No more than 12 minutes in any one hour must be devoted to on-screen commercial advertising.

- (a) **Infomercials and “home shopping”:** Infomercials or “home shopping” must not be accepted as advertisements or content.
- (b) **Sponsorship:** Except in relation to News and Current Affairs programs, sponsorship may be of the television service generally, of its programs or the web service and its content.
- (c) **Independence:** Australia Network will retain editorial control of all content. No advertising or sponsorship arrangements may be entered into that are likely to adversely affect the real and/or apparent independence and integrity of Australia Network.
- (d) **Integrity of the Australian Government:** No advertising or sponsorship arrangement will be entered into that is likely to bring the Australian Government into disrepute nor lead to a perception that the Australian Government, through the Australia Network, supports any particular political or religious body, organisation or lobby group.
- (e) **News programs:** There will be no advertising or sponsorship accepted in relation to News and Current Affairs programs. If there are any references made about general sponsorship of Australia Network or its activities these will be clearly separated from any News and Current Affairs content on the television services or the web service.
- (f) **Children:** No advertisements or sponsorship will be accepted in relation to content targeted specifically at preschool children.
- (g) **Program interruption:** Advertisements and sponsorship messages may be placed within programs (other than News, Current Affairs and Children’s programs as outlined above), provided that the placement of such material is done in such a manner as not to overly interfere in the narrative of the program.
- (h) **Logos:** Australia Network’s logos and identification will not be permitted to appear in advertisements or sponsorship messages for external parties. This does not prohibit Australia Network’s logos or identification from appearing in the advertisements or messages about activities it co-sponsors.

- (i) **Sponsor Identification:** Sponsors may be referred to in the promotion of programs sponsored by them.
- (j) **Government ads:** Advertisements and sponsorship will be accepted from governments and agencies of governments provided they are non-political and non-partisan in character. Advertisements and sponsorship messages that promote or comment on matters of political, religious or socially controversial matters will not be accepted.
- (k) **Unacceptable categories of advertising or sponsorship:**
 Advertisements or sponsorship must not be accepted for broadcast or on-line promotion in the following categories: gambling, tobacco products, firearms and fire arm clubs, escort agencies and pornography. Advertising or sponsorship of alcohol requires close consideration both in terms of adherence to local laws and cultural sensitivity.
- (l) **Suitability of advertisements:** Advertisements and sponsorship messages will be produced consistent with this Code. Advertisements and sponsorship messages will be produced in a style appropriate for an international public service broadcaster. Responsibility for application of this Code to specific advertisements and sponsorship messages will rest with the Chief Executive of Australia Network.

4.2 Contests or promotions must be in good taste, tailored to regional sensitivities and not give rise to public inconvenience or disturbance.



Appendix 6: ABC Workplace Values and Code of Conduct

1. Introduction

- 1.1** This Code is an important statement of ABC workplace values and conduct principles.
- 1.2** The Code informs all employees of the principles of conduct to be observed in keeping with the ethical standards expected of the ABC.
- 1.3** The document establishes specific conduct requirements and provides information on issues of judgement both within the workplace and when employees are representing the ABC externally.
- 1.4** For the purposes of this Code, an employee is defined as any person employed by the ABC whether ongoing, fixed term or casual, and may also extend, where relevant, to other people engaged to perform ABC functions.

2. ABC workplace values

- 2.1** The Corporation will:
- undertake its activities in a professional and impartial manner;
 - provide a fair, flexible, safe and rewarding workplace that is free from discrimination;
 - facilitate cooperation and a culture of respect, courtesy and inclusiveness;
 - maintain the highest ethical standards;
 - demonstrate accountability in its operations;
 - recognise and value the contribution of its employees;
 - promote equity in employment and a workplace that values diversity;
 - focus on the achievement of results via effective management practice;
 - develop leadership of the highest quality; and
 - establish cooperative workplace relations based on consultation and communication.

3. Code of conduct

- 3.1** In the course of their employment, ABC employees will:
- perform their work with professionalism, honesty and integrity;
 - act with care and diligence;
 - treat colleagues and the public with respect and courtesy;
 - demonstrate ethical behaviour consistent with the best interests and good name of the ABC;
 - use ABC resources in a proper manner;

- comply with all relevant legal or administrative requirements, including ABC Human Resources Policies and Procedures and occupational health and safety guidelines;
- comply with any lawful and reasonable direction given by a person in the ABC who has authority to give such a direction;
- avoid any actual, potential or perceived conflict of interest; and
- not take or seek to take improper advantage of their employment for private interests;

and generally perform their duties in a manner which does not breach the law, ABC policies or this Code of Conduct.

- 3.2** Breach of this Code may constitute misconduct (including serious misconduct) and lead to disciplinary action including termination of employment.

4. Demonstrating fairness, equity and professional behaviour

- 4.1** Employees are to treat other staff and members of the public in a professional manner without engaging in harassment or victimisation and must be aware of and apply the ABC's Prevention of Workplace Harassment and Discrimination Policy.

- 4.2** Employees need to be aware of and apply the principles of the ABC Equity and Diversity Management Plan.

- 4.3** Employees must comply with Australian laws, relating to their employment practices, including anti-discrimination legislation. Anti-discrimination legislation prohibits discrimination on various grounds including gender, disability, pregnancy, marital status, race and national or ethnic origin.

5. Managing ABC confidential information

- 5.1** Employees must not misuse confidential information gained in the course of employment. Such information should only be used in the course of an employee's official duties.

- 5.2** Employees may only release ABC confidential information if required by law or with the authority of the Managing Director. If required by law to release confidential information, the employee should take all reasonable steps to advise his or her supervisor prior to making the disclosure.

6. Public comment

- 6.1** ABC employees, as members of the community, have a right to express views on matters that affect them. However, employees must not make public comment on behalf of the ABC, or use ABC facilities or equipment, unless required as part of their normal work or as specifically approved.

- 6.2** 'Public comment' includes speaking engagements, articles for publication in any medium and media interviews.

7. Acceptance of gifts, fees, benefits and promotional material

- 7.1** In no circumstances are employees to solicit, gifts, fees or benefits. This includes free or discounted goods or services that benefit the individual such as hospitality, travel, accommodation and entertainment.
- 7.2** Equally, employees are not permitted to accept gifts or benefits from anyone concerned directly or indirectly with any matter connected with their duties without the endorsement of their supervisor and approval of the relevant delegate.
- 7.3** In cases where the acceptance of a gift or benefit is to be approved, the supervisor must first satisfy him/herself that there is no actual, potential or perceived conflict of interest and that the ABC's independence and integrity, are fully protected. A record should be kept where approval is related to a significant benefit or item.
- 7.4** Promotional material provided to an employee in the course of their duties is the property of the ABC. The material cannot be used beyond the reasonable requirements of an employee's job. Promotional material no longer required should be disposed of in accordance with normal disposal procedures.

8. Engagement in work outside the ABC

- 8.1** Outside work is defined as employment or the conduct of a business, trade or profession outside the ABC, remunerated or not.
- 8.2** Full time employees may engage in outside work only with prior approval from the relevant delegate.
- 8.3** Employees who are not full time are required to seek approval for outside work if it might give rise to a conflict of interest.
- 8.4** Employees on leave without pay must also obtain prior approval before accepting any outside work which may conflict with their ongoing duties to the ABC. Employees on leave without pay must also obtain approval from the manager to whom they report in their substantive position before taking on other employment within the ABC during the period of leave.
- 8.5** When assessing a request for approval of outside work, the relevant delegate must consider whether it would interfere with the employee's normal duties or create a conflict of interest.

9. Conflict of interest

9.1 Principles

9.1.1 The ABC as the national public broadcaster has a unique obligation in relation to public accountability. All employees have a responsibility to observe ABC requirements and to act in a manner that will withstand external scrutiny regarding conflict of interest.

9.1.2 All employees have a duty to declare any conflict of interest.

9.1.3 Employees are expected to routinely assess whether any personal or associated interest or undertaking could influence, or appear to influence, the performance of their work or the reputation of the Corporation and inform their supervisor of any potential or actual conflict.

9.1.4 In general, employees should endeavour to avoid situations where a conflict of interest would arise. Interests can be financial and/or non-financial and may involve interests of employees' family (as defined in the ABC's family leave provisions).

9.2 Disclosure procedures

9.2.1 Employees are to advise their supervisor in the first instance of a potential or actual conflict of interest at the earliest opportunity. Supervisors are to exercise judgement in relation to the possible consequences of the conflict and decide whether any action is necessary. A conflict of a serious or potentially controversial nature is subject to written referral to senior management.

9.2.2 The ABC may require an employee to take action to remove a conflict or the ABC may take other appropriate action such as re-allocation of work.

9.2.3 The ABC may collect and collate information relating to the incidence and the nature of the conflict of interest.

10. Special editorial requirements

10.1 Employees with editorial responsibilities must observe the ABC Editorial Policies and associated practices as varied from time to time.

11. Compliance with the code

11.1 Every employee is responsible for conducting themselves in accordance with the Code.

11.2 If an employee is in doubt as to the application of the Code, they should in the first instance discuss the matter with their supervisor. Further clarification can be sought from Human Resources.

Appendix 7: Updates

History of amendments to the March 2007 *Editorial Policies* and *Code of Conduct*:

Section affected	How affected [I = new text inserted; D = text deleted; DR = text deleted and replaced with new text]	Date amendment took effect
Section 4 (Editorial Responsibility)		
Section 4.4.13 to 4.4.15	I	1 July 2008
Section 4.7 (comprising sections 4.7.1 to 4.7.16)	I	1 July 2008
Section 5: News and current affairs content		
Section 5.2.2 (i)	DR	1 July 2008
Section 13: Program and content complaints		
Section 13.7.4 (final sentence)	DR	1 July 2008
Appendix 3: CODE OF PRACTICE		
Section 2.18	D	1 July 2008

glossary



editorial
policies

back <

back to
contents

> fwd

Glossary

ACMA	Established under the Broadcasting Services Act, the Australian Communications and Media Authority is responsible for the regulation of broadcasting, radiocommunications, telecommunications and certain online content.
ABC Act	<i>Australian Broadcasting Corporation Act 1983</i> establishes the Corporation and sets out its Charter, governance structures and primary obligations. See Appendix 1 for excerpts.
Australia Network	ABC international television, and associated audio and online services which are permitted to accept sponsorship and advertising. See Appendix 5 for Advertising and Sponsorship Guidelines.
Accessible television	Television that is accessible to audience members who are blind or have a visual impairment or limited reading comprehension, through information that is provided in text on the screen and in audio. See 11.15.
Acquisitions	Externally produced programs acquired by the ABC through purchase, program exchange or free of charge.
Advertisement	Any device designed or calculated to draw public attention to a product or service or to promote its use. The material must be viewed objectively, without any regard for the intention of the publisher of the material. Genuine reviews or criticism of material do not constitute advertisement of that material. Also Community Service Announcements (CSAs) often do not constitute advertisements.
Broadcasting Services Act (BSA)	The <i>Broadcasting Services Act 1992</i> governs the Australian broadcasting regime. The Act is administered by the Australian Communications and Media Authority (ACMA).
Charter	Sets out the functions of the Corporation in Section 6 of the ABC Act. Additional requirements are contained in other sections of the ABC Act. See Appendix 1.

Closed captioning	A text version of the soundtrack of a television program shown on the screen. Closed captions are only visible through the use of a teletext television receiver, while open captions, like subtitles, are visible on any television.
Community Service Announcements (CSAs)	Announcements about community issues or events that may be broadcast in the public interest, subject to the provisions of 14.1 of the Editorial Policies.
Conflict of interest	Any personal or associated interest or undertaking which could influence, or appear to influence, the performance of a staff member's work or the reputation of the ABC. Interests can be financial and/or non-financial and may involve the interests of a staff member's family. The interest can be actual, perceived or potential.
Content	Material broadcast or published by the ABC including text, images, audio and/or video. For broadcast material, an item of content may constitute a program or may be part of a program.
Co-productions	Co-productions include co-financing arrangements and full co-productions where different organisations come together to contribute production resources and share creative control.
Editorial responsibility	The responsibility of staff to make editorial decisions that are consistent with these Editorial Policies, subject to the process of upward referral. See 4.1.
Free or discounted products, services or facilities	Products, services and facilities, other than content, which may be offered to the ABC for free, or discounted below the price offered to other customers. See 16.7.
Fundraising and charity appeals and activities	Appeals and activities designed to raise funds or goods for a charity or charities or a charitable cause. See 14.3.
Generic announcements	Generic broadcast or online announcements about ABC products or activities dealing with a range or broad selection of products or activities but not a specific product or activity. See 15.4.3 and 15.4.8.
Government agencies	For the purpose of Editorial Policies, these include Australian government departments, statutory authorities and other government entities (State, Territory and Federal).

Moderation statement	An online statement which explains to audience members how audience contributions to a site are moderated, and provides rules for audience contributions and any grounds on which the ABC may refuse to publish, or may edit or remove, an audience contribution. See 9.4.2.
Network	Discrete services within a platform (see platform below). For example the ABC has an analog and a digital television network and 65 analog and digital radio networks (eg Radio National, triple j, dig and each of the Local Radio stations).
Platform	A medium or technology for content distribution. The ABC's primary platforms are radio, television and the internet (ABC Online).
Positioning statements	Promotional statements used to position a commercial organisation or person in the marketplace e.g. 'Australia's leading bank'. See 16.2.3.
Product placement	An arrangement where placement or use of goods or services is guaranteed to a supplier in an item of content or program, usually for consideration.
Program or programs	Combines elements of content into an entity with an identified beginning and end. A program or programs may cover more than one type of content. The following are not considered to be programs: announcements about ABC activities, Community Services Announcements (CSAs), or political matter broadcast at the request of another person.
Prohibited content/ potential prohibited content	Prohibited Internet content is defined in Schedule 5 of the BSA, if it has been classified RC or X by the Classification Board. See Appendix 2.
Sufficient acknowledgement	Under the <i>Commonwealth Copyright Act 1968</i> , sufficient acknowledgement, in relation to a work, means an acknowledgement identifying the work by its title or other description and also identifying the author, unless the work is anonymous or pseudonymous or the author has previously agreed or directed that an acknowledgement of his or her name is not to be made,

index



editorial
policies

back < back to
contents > fwd

A

ABC Act, 8, 12, 14, 16, 17, 20, 30, 55, 70, 74, 84, 90, 91, 94, 95, 98, 104, 126, 148

ABC Charter, 14, 126, 138

ABC Code of Practice, 9, 20, 58, 59, 77, 82, 126, 137

ABC Enterprises, 16, 23, 24, 26, 94, 95, 108, 109, 138, 139

ABC functions and duties, 14–18

ABC logo, 94, 95, 99, 104, 105, 108–9

ABC Online, 5, 9, 20, 21, 23, 26, 63, 66, 67, 83, 90, 93, 95, 98, 104, 126, 128, 150
internationally, 55
links and interactivity, 50–2

ABC Workplace Values and Code of

Conduct, 9, 23, 25, 27, 58, 142–5

ABC's role, 16, 90, 94, 138

accessibility

ABC Online, 67

ABC Television, 66–7

accountability, 17, 75, 83, 142, 145

accuracy/accurate/accurately, 17, 23, 30, 31, 38, 40, 44, 61, 71, 104, 113, 129, 130
(see also inaccuracy)

ACMA, 9, 14, 17, 70, 74, 77, 80, 82–3, 112, 113, 120, 123, 124, 125, 148

address to the nation, 72

Leader of the Opposition, 72

Prime Minister, 72

advertisement(s), 27, 34, 51, 55, 67, 72, 86, 90, 98, 99, 100, 103, 105, 118, 119, 140, 141, 148

advertising, 27, 54, 55, 56, 93, 98, 99, 102, 103, 105, 108, 109, 139, 148

prohibition of, 55, 90, 91, 98

use of content for advertising or

promotional purposes, 27

advertising and sponsorship guidelines, 140–1

All Media Court Reporting Handbook, 23

All Media Law Handbook, 22

announcements, 36, 67, 91, 95, 114, 115, 149

about ABC activities, 90, 94–5, 118

about ABC products, 104, 149

and ABC Logo, 94, 95

and children's content/programs, 130, 140

and web pages designed for children, 95

and News and Current Affairs, 94, 95, 130

and presenter's profile page, 95

community service announcements,

86–7, 148, 149

online, 95

external funding, 90–4

arts, 14, 16, 33, 44, 48, 72, 112

audience(s), 5, 6, 8, 16, 25, 26, 32, 34, 35, 36, 37, 38, 40, 44, 51, 52, 54, 55, 58, 59, 60, 61, 65, 66, 67, 74, 75, 76, 77, 78, 80, 81, 83, 84, 87, 90, 94, 100, 102, 103, 104, 127, 129, 130, 134, 135, 136, 137, 139, 148, 150, 151

contributions, 26, 51, 74, 150, 151

hearing impaired, 66, 128

reviews, 51

visual impairment, 67, 129, 148

Audience and Consumer Affairs, 75, 76,

77, 78, 80, 81, 83, 84, 136, 137, 161

audience reviews, 51

Australia Network, 54, 55, 56, 90, 105, 148

Advertising and Sponsorship Guidelines,
140–1

Australian Broadcasting Corporation Act

1983 (ABC Act), 8, 112–22, 123, 126, 148

Australian content, 63, 64, 128

B

balance, 15, 18, 31, 32, 60, 62, 71, 75, 77, 78, 79, 80, 81, 112, 129, 137, 139

bereavement, 63

Indigenous practices, 64

bias, 18, 30, 75, 77, 78, 79, 80, 81, 129, 137

ABC Board, 5, 6, 8, 9, 15, 16, 17, 18, 30, 72, 78, 82, 90, 91, 104, 108, 113, 114, 117, 118, 137, 138

broadcasting facilities, 118

Broadcasting Services Act 1992, 9, 66, 74, 115, 117, 118, 119, 123–5, 148

C

charity appeals and activities, 87, 149

Charter, 14, 15, 16, 17, 64, 112, 113, 126, 138, 139, 148

chequebook journalism, 33, 41, 45

children, 36, 44, 138, 140

and news updates, 36, 130

and news flashes, 36, 130

content for 65–6

use of in ABC content, 66

victims of tragedy, 63, 128

children's content, 59, 65–6, 128

on ABC Online, 50, 95

on radio and television, 94, 131, 132

closed captioning, 66, 128, 129, 149

co-production(s), 74, 91, 92, 93, 99, 100, 149

coarse language, 61, 131, 132, 134, 135

Code of Conduct (Workplace Values and), 9, 23, 25, 27, 58, 142–5

Code of Practice, ABC, 9, 23, 25, 27, 58, 142–5

comedy, 38, 48, 55, 61, 127

commercial products, 50, 99, 109

community publishing, 51

community service announcements, 86–7, 148, 149

community standards, 58, 59

complaints, 8, 9, 18, 26, 27, 67, 70, 74–84, 120, 122, 123, 124, 125, 136–7, 149

about ABC Online, 51

dealing with, 75

email, 75, 76, 77, 78, 79, 83

Independent Complaints Review

Panel/ICRP, 77, 78–82, 137

investigation of, 74, 75, 77, 78, 80, 120, 124

keeping copies of programs, 74, 75, 84

legal action, 75

telephone, 74, 75, 76

response(s) to, 74, 75, 76, 77, 78, 79, 80, 82, 83, 84, 120, 123, 124, 136, 137 and Australian Communications and Media Authority/ACMA, 9, 74, 77, 80, 82–3, 123–4, 125

and Code of Practice, 9, 74, 76, 77, 78, 82, 84, 123, 124, 136–7

vexatious, frivolous, 82, 83, 84, 124, 136 written, 74, 75, 76–8, 136, 137

Complaints Review Executive/CRE, 77–8, 83, 136, 137

comprehensive(ness), 14, 15, 65, 112

concerts, performances, staged events, 91, 94, 99, 100, 103, 104, 105, 115, 118, 138

conditions of use, 51, 52

conflict of interest, 23–5, 143, 144, 145, 149

contentious program material, 26, 50, 84

copyright, 21, 22, 26, 55, 71, 99, 151, 160

Copyright Handbook, 22

correction(s), of errors, 23, 31, 44, 129, 131

coverage of prizes, trophies, awards, 100–1

CSAs, (see community service announcements)

cultural diversity, 14, 15, 61–2, 64, 112

current affairs, 5, 8, 14, 21, 30–1, 34, 36, 38, 40, 41, 44, 45, 50, 58, 61, 66, 70, 71, 74, 84, 92, 104, 112, 122, 126, 127, 128, 129, 131, 136, 140

international broadcasting, 54, 55

current events, 16, 17, 30, 117

D

deaths, reporting of, 63, 64

declarations, 24

defamation, 21, 51, 71

disability, 62, 76, 127, 143

diversity, 14, 15, 34, 40, 44, 54, 61, 62, 63, 64, 112, 130, 142, 143, 161

discounted, products, services, facilities, 101–4, 144, 149

disasters, reporting of, 63, 64, 101
discrimination, 51, 62, 65, 127, 142, 143
documentary, documentaries, 40, 44, 61, 92, 127, 133
domestic violence, 65
drama, dramatic, 14, 16, 38, 48, 59, 60, 61, 63, 112, 127

E

Editor in Chief, 20, 82
editorial lines of responsibility, 20, 21
editorial responsibility, 20–1, 33, 38, 41, 45, 48, 58, 77, 94, 104, 149
education, educational, 14, 15, 16, 44, 54, 91, 93, 103, 112, 119
elections, 51, 70–2, 87, 120, 121
endorsement(s), 27, 51, 95, 98, 104, 144
ethics, ethical, 8, 27, 31, 140, 142
expert(s), expertise, 30, 33, 41, 62
external access to contentious program material, 84
external funding, 90–4

F

factual content, 5, 31, 40, 44–5, 129, 130
fairness, 12, 30, 32, 40, 44, 48, 71, 143
file footage, 34–5, 41, 45
free or discounted products, services and facilities, 101–3, 149
free, products, services, facilities, tickets, 100, 101–4, 119, 144, 149
funding, 30, 91–4
fundraising appeals, 86
funerals, reporting of, 64
further use of ABC content, 26–7

G

general powers of Corporation, 114
general references to commercial organisations and products, 98–9
gifts, 25, 114, 144
grief, intrusion into, 63–4, 128

grievances, 27
guest books, 51, 74
guest commentator, 34

H

handbook, 22, 23
hearing impaired, 66, 128
hedging contracts, 116
hidden camera(s), 35, 41, 45
high standard(s), 14, 15, 58, 61, 112
honesty, 12, 30, 40, 44, 48, 142

I

ICRP, 77, 78, 79, 80, 82, 83, 137
impartiality, 5, 40, 44, 70, 130
inaccuracy, 18, 77, 78, 79, 80, 81, 137
independence, 8, 12, 16, 17, 30, 37, 40, 44, 48, 55, 67, 86, 87, 91, 93, 94, 101, 102, 103, 104, 108, 109, 113, 114, 126, 140, 144
independent review of complaints, 18
Indigenous, 44, 63, 64–5, 128
inform and entertain, 14, 16, 112
information content, 5
innovation, 15
integrity, 8, 12, 17, 23, 25, 26, 37, 48, 50, 55, 58, 59, 61, 67, 91, 93, 94, 101, 102, 104, 108, 109, 113, 114, 127, 129, 140, 142, 144
interactive features, 40, 51
interactivity, 50–2, 66
international audiences, 54, 55
international broadcasting, 54–6
interviews, 31–3, 34, 41, 44, 45, 63, 104, 128, 144

K

key values, 12, 30, 40, 44, 48

L

language, 37, 58, 60–1, 62, 76, 126, 127, 131, 132, 134, 135, 160
legal responsibility, 21–3

Legal Services, 20, 21, 22, 23, 27, 32, 35, 75, 108, 109, 160
licensing agreements, 26, 108
licensing and supply to external parties, 26
links, 50, 51, 66, 95, 99, 138
logo(s), 94, 95, 99, 100, 104, 105, 108–9, 140

M

Managing Director, 5, 6, 20, 22, 25, 33, 35, 72, 78, 79, 82, 105, 108, 109, 117, 119, 143
marketing and publishing activities, 104
media releases, 33, 34
media training, 104
ministerial direction, 16
moderation, **moderator**, 51, 150

N

named activities, events, performances and locations, 100–1
national identity, 14, 15, 55, 61, 112
new media, 9, 16, 26, 93,
news, 5, 8, 14, 16, 17, 21, 22, 30–1, 32, 33, 34, 36, 37, 38, 40, 41, 44, 45, 50, 54, 55, 58, 61, 66, 70, 71, 84, 92, 101, 104, 112, 113, 117, 122, 126, 127, 128, 129, 130, 131, 136
news and current affairs, 5, 8, 21, 30–1, 38, 40, 41, 44, 45, 55, 61, 66, 71, 92, 104, 126, 128, 129
News and Current Affairs Online, 50
news services, 30, 117
non-broadcast activities, 104–5
non-commercial content, 26, 90

O

objective, objectively, objectivity, 17, 30, 38, 70, 71, 113, 129, 138, 139, 148
OFLC, 58, 131, 135
online,
 event diaries, 51, 52, 98
 forums, 51, 52, 74, 150

 prohibited content, 83, 125, 150
online links, 50–1
opinion, opinion content, 5, 8, 22, 30, 33, 40–1, 44, 52, 62, 63, 67, 70, 72, 86, 126, 127, 130
orchestras, bands, concerts, 91, 94, 103, 104, 115, 118, 138

P

Parliament, parliamentary, 5, 14, 16, 17, 18, 21, 35, 41, 45, 54, 71, 72, 75, 82, 90, 119, 120, 121, 122, 123, 124, 126
performance(s), 8, 16, 18, 40, 44, 48, 71, 99, 100, 103, 104, 105, 113, 114, 115, 118, 126, 128, 145, 149
performance content, 8, 40, 44, 48, 126
personal grievance, 27
plagiarism, 22
point(s) of view, 40, 70
political broadcasts, 70
power to form companies, 115
presenters, 38, 40, 41, 75, 95, 98, 104
principles, 5, 6, 8, 9, 25, 27, 30, 31, 35, 40, 41, 44, 45, 58, 71, 75, 92, 98, 100, 108, 126, 142, 143, 145
privacy, 21, 31, 34, 41, 44, 51, 52, 63, 66, 128
product placement, 98, 150
program classification, 58, 126, 131, 135
 G, 131
 M, 133
 MA15+, 134
 PG, 132
program credits, 99, 102
program promotions, 94, 128
programs of an educational nature, 13, 14, 16, 112
prohibited, 22, 83, 109, 125, 150
prohibition of advertising, 90, 98
promotions, (see also announcements), 36, 58, 94, 108, 128, 130, 141
public interest, 30, 31, 32, 37, 60, 63, 84, 86, 87, 128, 129, 149

publication of journals, 118
publicity for individuals, organisations or products, 98

R

re-enactments, 35–6, 129
references to commercial organisations/ products, 98
registered trademarks, 104, 108–9
relevance, 87
religious, 55, 62, 65, 67, 75, 86, 127, 128, 140, 141
reporting from overseas, 37
respect(ed), 12, 14, 30, 31, 40, 41, 44, 48, 55, 62, 63, 81, 84, 108, 112, 116, 118, 122, 128, 139, 142
respecting, 75
rights, content, 21, 26, 51, 100, 101, 109, 139, 158
rights management, 26, 158
right of reply, 67

S

SCOSE, 9, 61, 160
sex and sexuality, 61, 127
signage, 98–9
specialist commentators, 33, 34–5, 41, 45
sponsors, 99, 100, 105
sponsorship, 54, 55, 56, 90, 99, 105, 140–1, 148
Standing Committee on Spoken English (SCOSE), 9, 61, 160
stereotypes, 38, 62–3, 65, 127
stock footage of tragedy, disasters, 34, 64
style and quality, ABC Enterprises products, 138–9
suicide, 36–7, 41, 45, 60, 63, 128

T

taste and decency, 58
television program classification(s), 58–9, 126, 131–6
termination of correspondence, 83–4
third party use of ABC logo and trademarks, 108–9
tickets, 102, 103
time zones, 59, 135
tobacco sponsors, prohibition of, 105
topical and factual, 5, 8, 40, 44–5, 126, 130,
trademarks, registered, 104, 108–9
tragedy, 63, 64, 128
training, media, 104–5

U

upward referral, 20–1, 25, 50, 58, 86, 100, 149,
use of ABC name, logo and trademarks, 108–9
use of extracts from parliamentary broadcasts, 35, 41, 45
use of language, 37, 58, 60–1, 126
use of specialist commentators, 34–5, 41, 45

V

violence, 36, 41, 45, 58, 59–60, 61, 65, 66, 127, 128, 131, 132, 133, 134, 135
visual impairment, 67, 129, 148

W

warnings, 50, 58, 65, 127
‘what’s on’ listings, 87, 98, 149
workplace ethics, 27
Workplace Values and Code of Conduct, 9, 23, 25, 27, 58, 142–5

further information and advice

back to
contents  fwd

back 



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Internet: <http://www.abc.net.au/corp/pubs/edpols.htm>
Phone: Corporate Strategy and Communications, (02) 8333 2714 (internal 82 2714).

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Phone: ABC Legal Services, (02) 8333 5849 (internal 82 5849) for advice about any legal issues affecting the ABC.

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Phone: Rights Helpdesk, (02) 8333 5399 (internal 82 5399).

Pronunciation and language usage

Intranet: SCOSE <http://nucdb04/scose/>
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back < [back to contents](#)